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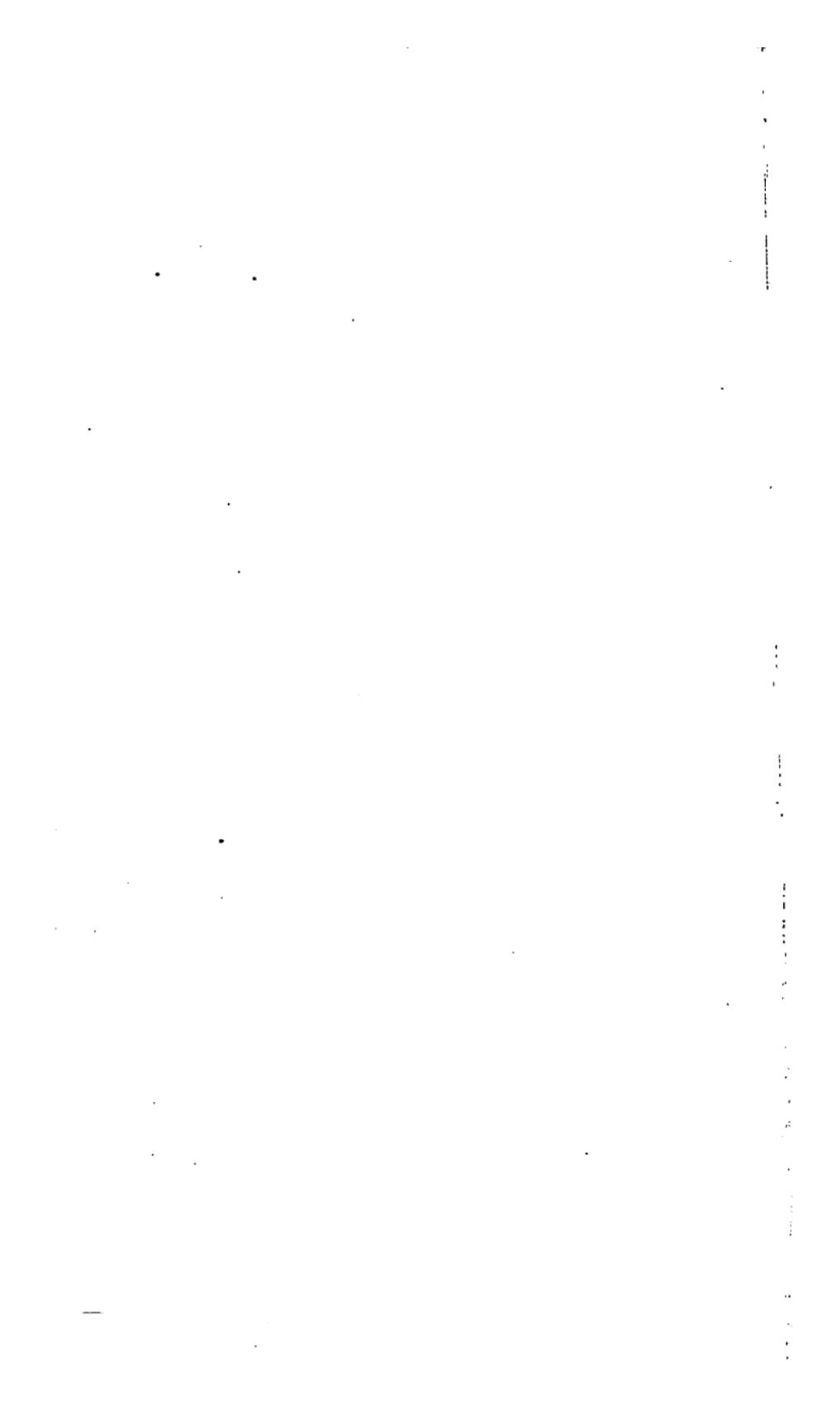
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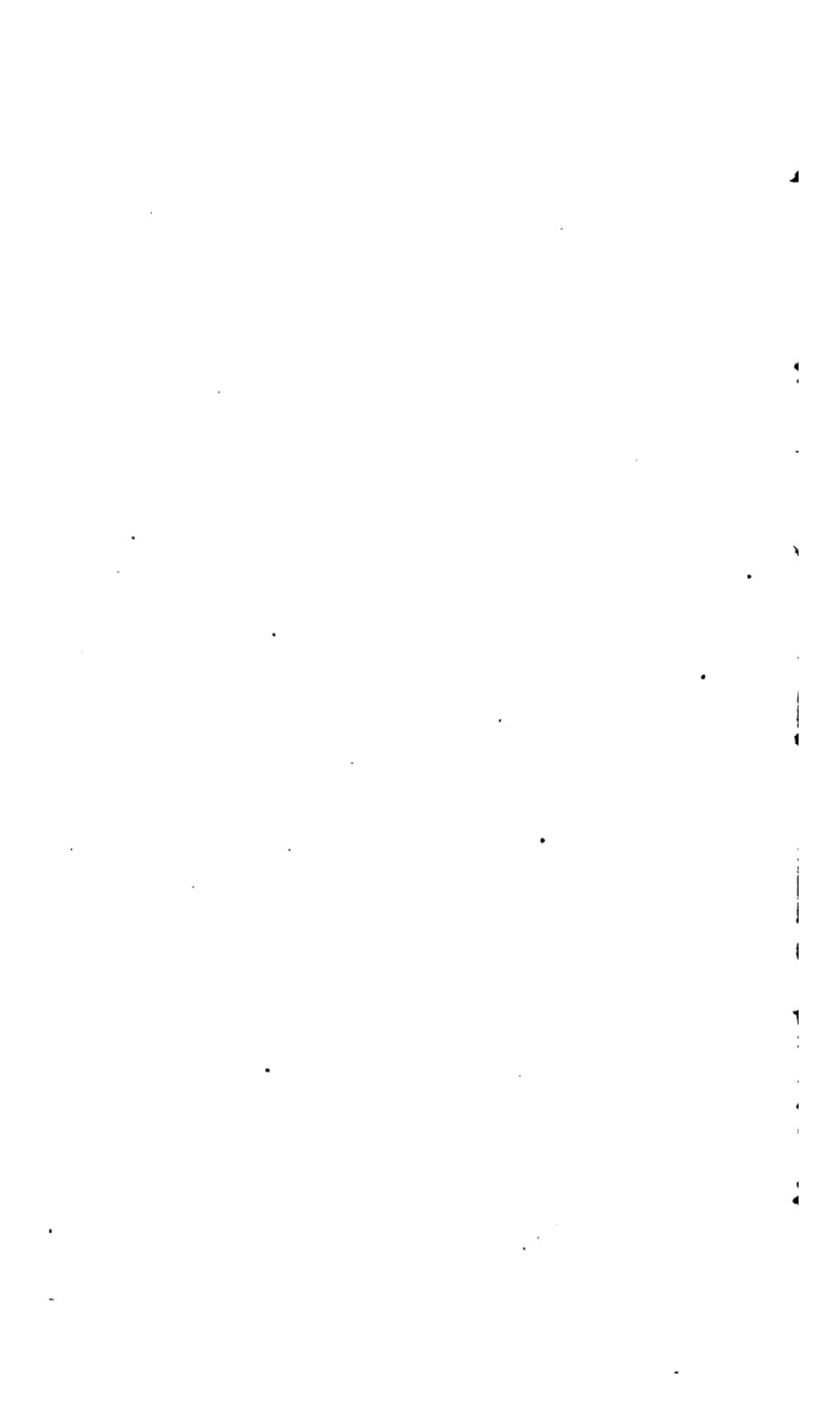
Cornelius Walford, F.S.S.

Paterson

SIA.







THE NEW
FRIENDLY SOCIETIES ACT,

13 & 14 VICT. CAP. 115,

WITH

INTRODUCTION, NOTES,

AND A

COPIOUS INDEX.

BY WILLIAM PATERSON, Esq.,

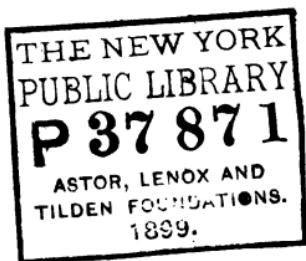
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INTRODUCTION.

THIS act repeals the former acts under which Friendly Societies might have been established, and consolidates in one statute all the laws relating to such societies. Henceforth, except as to such societies as have been formed before this act was passed, this present act will be the only one to be considered. That is the advantage of a consolidation act. In general, the provisions of the repealed acts are to continue in force as to societies established under them before the passing of this act, but there are some exceptions to this, and also there are some provisions of this act which apply equally to societies established under the repealed acts before the passing of the present act, as to those which may hereafter be formed. Of these, are the following ; viz., a clause which makes it illegal to assure a sum to be paid on the death of a child under the age of ten years, except the actual funeral expenses not exceeding 3*l.*, which are to be paid only to the undertaker or person by whom the burial is conducted, and which makes it also illegal to pay any sum on the death of a member, or of the husband, wife, or child of a member without a certificate

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of the surgeon or coroner to the effect that the death is not to be attributed to murder.

A clause giving greater power to trustees or treasurers than they before possessed to invest the funds of the society; as it enables them to invest them on the security of county or borough rates, or on loan to a member of the society, on the security of a life policy to the extent of the value of such policy.

A clause by which a person, who shall after the act become a member of more than one society, is prevented from receiving benefits on account of the same kind of assurance beyond in the aggregate the sum of 100*l.* or 30*l.* annuity, or a sum in sickness of 20*s.* per week.

A clause by which payments not exceeding 50*l.* may be made in cases of members dying intestate without the expense of taking out letters of administration.

A clause making it illegal to grant any assurance payable on the death of the member to any nominee.

A clause prohibiting the investment of moneys with the National Debt Commissioners, by Societies formed under the repealed acts, except for assurances made before the passing of the act by any Society which has already invested its funds with the said Commissioners.

A clause taking away the exemption from stamp

duty to any society, assuring after the passing of this act, payment of a sum exceeding 100*l.* or of an annuity exceeding 30*l.* or of a sum in sickness exceeding 20*s.* a week.

A clause prohibiting a re-deposit of moneys with the National Debt Commissioners without the consent of the Comptroller-General.

The new object for which a Friendly Society may be established under the present act, is for the purpose of enabling a member or any of his family to emigrate, which may be done, provided one of the trustees be a justice residing in the place where the society is established. The other objects for which a society may be established are the same as heretofore. The present act, however, limits the amount to be assured to 100*l.*, or an annuity of 30*l.*, or a sum in sickness not exceeding 20*s.* a week.

What we have above enumerated are the principal new provisions contained in the present act.

The act is not to apply to any Benefit Building Society established under 6 & 7 Will. 4, c. 32, and so much of the repealed Friendly Societies Acts as relate to such Building Societies, are to remain in force. A doubt has been suggested whether this applies to Benefit Building Societies which may be *hereafter* established under 6 & 7 Will. 4, c. 32, or whether it is not confined to such only as are *now* so established;

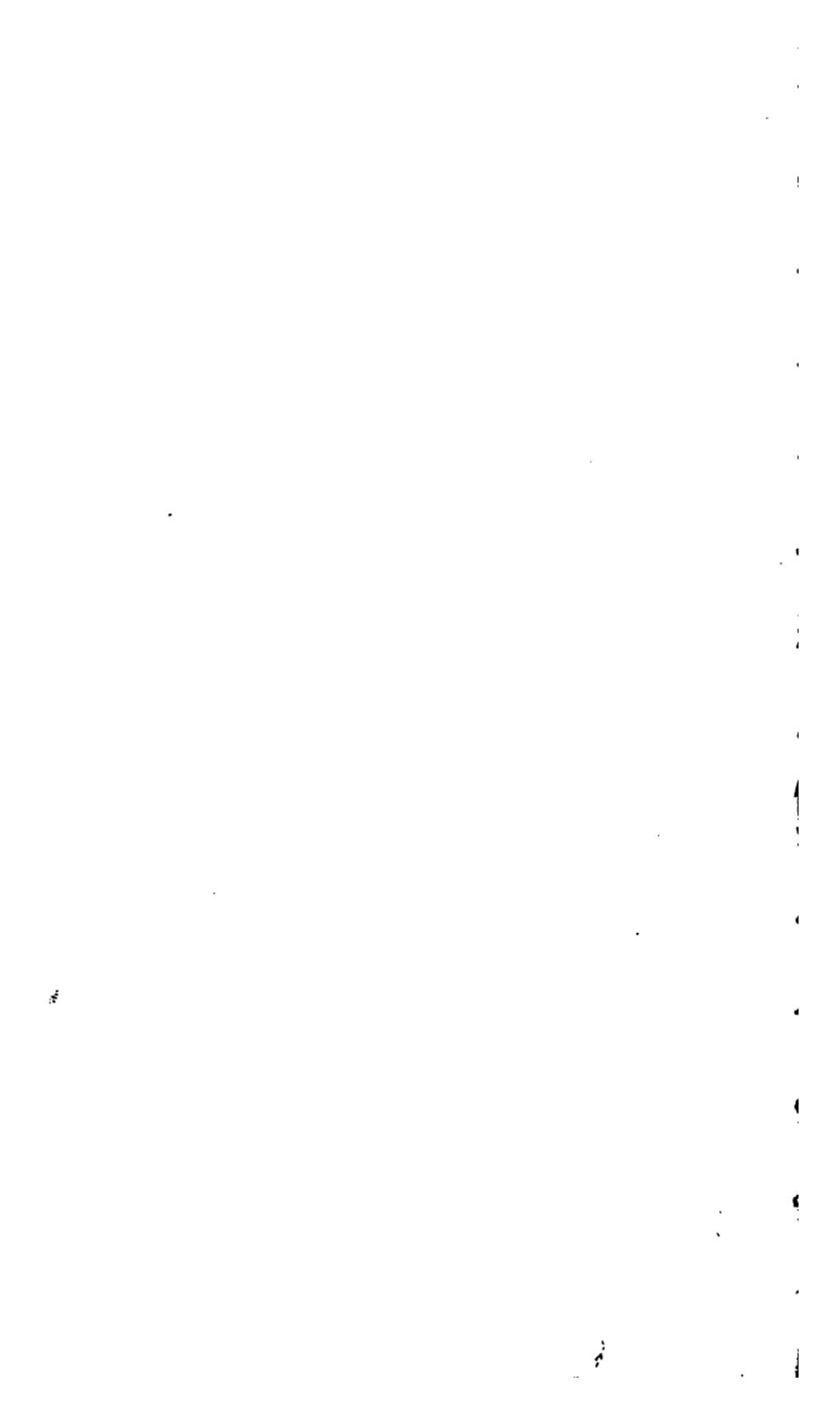
but we think it must be considered not to be so confined, but to apply to such Building Societies as may in future be so established. It is a question, however, not within the province of this work, which is merely an edition of the Friendly Societies Act ; for the law of Benefit Building Societies we would refer the reader to the work on that subject by Mr. Thompson. Neither do we intend to enter into the financial question of Friendly Societies, as persons interested in their formation can peruse with advantage the second edition of the work of Mr. Scratchley, on Benefit and Emigration Societies.

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THE
FRIENDLY SOCIETIES ACT.

13 & 14 VICT. CAP. 115.

An Act to consolidate and amend the Laws relating to Friendly Societies.—[15th August, 1850.]

Sect. 1. *Repeal of 10 Geo. 4, c. 56 ; 2 & 3 Will. 4, c. 37 ; 4 & 5 Will. 4, c. 40 ; 3 & 4 Vict. c. 73 ; 9 & 10 Vict. c. 27.*—Whereas many societies have been established in Great Britain and Ireland for the purpose of affording relief and maintenance to the members thereof in sickness, old age, or infirmity, and for other purposes of a provident and benevolent nature ; and it is expedient to amend the laws relating to such Friendly Societies, and to make further provision for protection of the members against fraud and misapplication of their funds, and to consolidate the same in one act : be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that an act passed in the tenth year of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies*; and also an act passed in the second year of his late Majesty King William the Fourth, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, by extending the Time within which pre-existing Societies must conform to the Provisions of that Act*; and also

an act passed in the fourth and fifth years of His late Majesty King William the Fourth, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies*; and also an act passed in the session of Parliament held in the third and fourth years of Her present Majesty, intituled *An Act to explain and amend the Acts relating to Friendly Societies*; and also an act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty, intituled *An Act to amend the Laws relating to Friendly Societies*, shall be and the same are hereby repealed, except so far as any of the said acts repeal the whole or any part of any other acts, and except so far as the same may be applicable to any Benefit Building Society established under an act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth: provided nevertheless, that such repeal shall not invalidate or affect anything which has been done before the passing of this act in pursuance of any of the said acts: provided also, that the provisions of the said acts, except as hereinafter provided, shall continue in force, as to all societies established under any or either of them before the passing of this act.

2. *Objects for which Friendly Societies may be established; act limited to societies not assuring above 100l., or annuity of 30l., or allowance of 20s. per week in sickness.*—And be it enacted, that it shall be lawful for any number of persons to establish a society or branch of the same under the provisions of this act, for the purpose of raising by voluntary subscriptions of the members thereof, with or without the aid of donations, a fund for any of the following objects; that is to say,

1. For insuring a sum of money to be paid, on the death of a member, to the widower or widow of a member, as the case may be, or to the child,

or to the executors, administrators, or assigns, of such member, or for defraying the expense of the burial of a member, or of the husband, wife, child, or kindred of a member; subject always to the restrictions hereinafter enacted in that behalf.

2. For the relief, maintenance, or endowment of the members, their husbands, wives, children, or kindred, in infancy, old age, sickness, widowhood, or any other natural state of which the probability may be calculated by way of average:

3. For insuring or making good any loss or damage of live or dead stock, goods, or stock in trade, implements and tools, sustained by any member by fire, flood, shipwreck, or any contingency of which the probability may be calculated by way of average:

4. For the frugal investment of the savings of the members for better enabling them to purchase food, firing, clothes, or other necessaries, or the tools, implements, or materials of their trade or calling, or to provide for the education of their children or kindred: provided, that the shares in any such investment society shall not be transferable, and that the investment of each member shall accumulate or be employed for the sole benefit of the member investing, or of the husband, wife, children, or kindred of such member, and that no part thereof shall be appropriated to the relief, maintenance, or endowment of any other person whomsoever; and that the whole amount of the balance due, according to the rules of such society, to such member, shall be paid to him or her on withdrawing from such society:

5. For the purpose of enabling any member, or the husband, wife, or children, or nominee, of such member, to emigrate; provided that, in case of any society for that purpose, one of the trustees shall be a justice of the peace residing in and acting for the county, borough, or place in which such society shall be established:

4. Power to repeal or alter rules, and appoint committee and officers.—And be it enacted, that it shall be lawful for the persons intending to establish under the provisions of this act a Friendly Society or branch thereof to make or adopt rules for the government and guidance of the same, and to make such provision in the rules as they shall think fit, for ordaining, repealing, altering, or amending any rules, and to impose reasonable fines and forfeitures on any member offending against the regulations of the same, and to form a general committee or board of management, and to delegate to the same all or any of the powers given by this act, to be executed either with respect to the management of the society or branch, or the enactment, amendment, repeal, or alteration of the rules thereof; and in such rules there shall distinctly be set forth,³

1. The name and designation of such society or branch, and place where the business thereof is carried on, the whole of the objects and intentions for which it is founded, the whole of the purposes to which the funds thereof are applicable according to the rules and tables thereof, and the conditions under which any member, or

for funeral expenses (which are to be paid only to the undertaker), the child must not be under the age of ten. The 9 & 10 Vict. c. 27, s. 1, made it unlawful to effect insurances on the life of any child under six years of age, but offered no other protection against foul practices, whilst it prevented members making provision for the actual funeral expenses of their infant children.

Although where, from the nature of the circumstances, it is impossible to procure such certificate (as for example, perhaps in the case of death from shipwreck, &c.), the production of such certificate is dispensed with, the penalty is strangely made to attach in all cases, without exception, where the money is paid without such certificate. It behoves the officer paying to be careful in seeing that the signature to the certificate is genuine, as he may otherwise be liable to the penalty, although the certificate purport to be properly signed.

³ Most of the provisions made by this section are taken from 10 Geo. 4, c. 56, ss. 2, 3, 10, 12, 27. The requiring the rules to set forth the name and designation of the society is new, as also the leaving it open to the rules to provide for the mode of appointment of the officers of the society, and of investing its funds. As to the mode previously required for these purposes, see 10 Geo. 4, c. 56, ss. 11, 13.

party claiming under or by a member, may become entitled to any benefit assured thereby:

2. The manner of making, repealing, or altering rules, of appointing trustees, a treasurer, and an officer who shall keep the books and accounts, and prepare the returns required by this act, a general board or committee of management, and the duties and powers of each:

3. The mode in which the funds shall be invested:

4. The manner in which disputes between the society or branch, and any member thereof, or person claiming on account or through any member, shall be settled.

5. *Separate accounts to be kept of money paid and received for each particular fund or benefit.*—Provided always, and be it enacted, that the rules of every such society or branch shall provide that all moneys received or paid on account of each and every particular fund or benefit assured to the members thereof, their husbands, wives, children, or kindred, for which a separate table of contributions payable shall have been adopted, shall be entered in a separate account distinct from the moneys received and paid on account of any other benefit or fund.

6. *Society or branch not legally established till rules certified.*—And be it enacted, that such society or branch shall not be deemed to be legally established under this act, nor be entitled to any of the provisions of the same, unless the rules and every amendment of rules or tables made from time to time thereof shall have been duly certified by the registrar as hereinafter provided.⁴

⁴ See the next section for the mode of obtaining the registrar's certificate.

7. *Registrar to give certificate; certified Friendly Societies; registered societies.*—And be it enacted, that two printed or written copies of all rules and tables adopted by such society or branch, together with the name and residence of every trustee thereof, signed by three members, and countersigned by the clerk or steward or other officer, with all convenient speed after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, shall be transmitted to the Registrar of Friendly Societies in England, Scotland, or Ireland, as the case may be; and so soon as the said registrar shall find the said rules to be framed in conformity with law, and that no rule or part thereof is repugnant to another, and that the same are reasonable and proper, he shall register the same; and if such rules and tables have been certified under the hand of the Actuary to the Commissioners for Reduction of the National Debt, or by some other actuary who shall have been for more than five years an actuary of some life assurance company established in London, Edinburgh, or Dublin, in the form set forth in schedule (C.) to this act annexed, and signed by him at the foot both of the rules and tables, or shall have been furnished to such society or branch by the registrar, the registrar shall give a certificate in the form set forth in schedule (B.) to this act annexed, and such society or branch shall be denominated certified Friendly Society; but if such rules and tables shall not have been so certified by an actuary as above mentioned, in such case the registrar shall give a certificate in the form set forth in schedule (A.) to this act annexed, and such society or branch shall be denominated registered Friendly Society; and the registrar shall return one of the copies to the society or branch, and shall keep the other in such manner as shall be from time to time directed by one of Her Majesty's principal Secretaries of State; and all rules, alterations or amendments thereof, when certified as aforesaid, shall be binding on

the several members, and all persons claiming by or under them.⁵

8. Societies granting annuities to have tables of such annuities certified by actuary.—Provided always, and be it enacted, that it shall not be lawful for the registrar to grant any certificate to any society assuring to any member thereof a certain annuity, deferred or immediate, unless the tables of contributions payable for such kind of assurance shall have been certified by an actuary as aforesaid or furnished by the registrar.⁶

9. Fees to be paid to registrar for certificates.—And be it enacted, that for every such certificate of rules of any Friendly Society a fee of one guinea shall be paid to the registrar, and for every certificate of rules of any branch of such society a fee of two shillings and sixpence; and for every certificate of amendment, repeal, or alteration of rules of any society or branch a fee of two shillings and sixpence shall be paid to the registrar.

10. Appointment and salary of registrar.—And be it enacted, that the future Registrars of Friendly Societies in England, Scotland, and Ireland respectively

⁵ Previously to the present act, the registrar could not certify the rules of any Friendly Society, established for the purpose of securing any benefit depending on the laws of sickness or mortality, unless the tables of such society had been certified by such actuary as is mentioned in this 7th section. Henceforth he may (except to societies granting annuities, see *post*, s. 8), but the society in such case will only be entitled to the certificate of, and become a registered Friendly Society. The advantage of being a certified Friendly Society is, that it may invest its moneys with the Commissioners for the Reduction of the National Debt: (see *post*, s. 38; see also sects. 40, 41, for other advantages reserved only to certified Friendly Societies.)

In the case of an alteration of the rules, the copies sent to the registrar to be certified had to be accompanied with an affidavit of one of the officers of the society, that the provisions of the act under which the rules had been enrolled, had been duly complied with: (see 4 & 5 Will. 4, c. 40, s. 4.) This is now no longer required.

⁶ See the preceding section. The form of the certificate required to be given by the actuary is in schedule (C.) to this act.

shall be appointed by the Commissioners for the Reduction of the National Debt, and shall hold office during the pleasure of the said commissioners ; and it shall be lawful for Her Majesty to grant to the registrar in England already appointed a salary not exceeding one thousand pounds by the year, and to every registrar in England hereafter to be appointed a salary not exceeding eight hundred pounds by the year, and to every registrar in Ireland and Scotland respectively already or to be hereafter appointed such a salary as to the Commissioners of Her Majesty's Treasury shall seem meet, and every such salary shall be paid by four equal quarterly payments ; and any registrar who shall be appointed, or shall die, resign, or be removed from his office, in the interval between two quarterly days of payment, shall be entitled to a part of his salary proportional to that part of such quarter of a year during which he shall hold his appointment.⁷

11. *Treasurer to give bond.*—And be it enacted, that every treasurer of any society or branch, established under the provisions of this act, before he shall be admitted to take upon him the execution of any such office, shall become bound in a bond according to the form set forth in schedule (E.) to this act annexed, with two sufficient sureties, for the just and faithful execution of such office, and for rendering a just and true account according to the rules of such society or branch, in such penal sum of money as by the trustees or board of management shall be deemed expedient ; and every such bond to be given by or on behalf of such officer shall be given to the trustees of the said society or branch for the time being ; and in case of forfeiture it shall be lawful to sue upon such bond in the name of the trustees for the time being, for the use of the said society or branch ; provided that such bond shall have in Scotland the same force and effect as a bond

⁷ This is substantially the same as 9 & 10 Vict. c. 27, s. 10.

in the form in use in Scotland containing a clause of registration.⁸

12. *Trustees, &c. to invest funds.*—And be it enacted, that the trustees or treasurer for the time being of any such society or branch, or of any society already established under any of the acts relating to Friendly Societies, shall and they are hereby required, from time to time, by and with the consent of such society or branch, to be had and testified in such manner as the rules shall direct, to lay out and invest such part of all sums of money as shall at any time be collected, given, or paid to and for the purposes of such society, as may not be wanted for the immediate use thereof, or to meet the usual accruing liabilities of such society or branch, in the names of such trustees, in any savings banks, subject to the provisions of acts in force relating to the same, or in any of the parliamentary stocks or public funds of Great Britain or Ireland, or at interest upon government securities, or in Bank of England stock, or in the stock or securities of the Honourable East India Company, or on mortgage of freehold, leasehold, or copyhold property, such leasehold being for a term of years absolute of which not less than thirty years shall be unexpired, and such copyhold being copyhold of inheritance, in Great Britain or Ireland, or on security of any heritable property, or in any chartered or other public joint-stock bank in Scotland, or in or upon the security of any county or borough rates authorized to be levied and mortgaged by any act of Parliament, or on loan to any member of any such society on the security of any policy of assurance effected on his own life, provided that the amount of such loan shall not exceed the actual estimated value of such policy at the time such loan be made; and from time to time, with such con-

⁸ The bond required to be given by the treasurer is similar to the one prescribed by 10 Geo. 4, c. 56, s. 11, except that it is to be given to the trustees of the society instead of to the clerk of the peace.

sent as aforesaid, to alter and transfer such securities and funds, and to make sale thereof respectively; and all dividends, interests, and proceeds which shall from time to time arise from the moneys so laid out or invested as aforesaid shall be brought to account by such trustees, and shall be applied to and for the use of such society or branch, according to the rules thereof: provided always, that it shall be lawful for the trustees or treasurer as aforesaid, with the consent of such society or branch as aforesaid, to purchase, hire, or take upon lease any room or premises for the purpose of holding therein the meetings of such society or branch, or for the transaction of business relating thereto, and to hold the same in trust in and for the use of such society or branch, and to sell, exchange, let, and demise the same in whole or in part with the consent as aforesaid.⁹

13. Property vested in trustees; trustees may sue and be sued; no person to be deemed a trustee until his appointment shall have been forwarded to the registrar.

—And be it enacted, that all hereditaments, moneys, goods, chattels, and effects whatever, and all titles, securities for money, or other obligatory instruments and evidences or muniments, and all rights or claims, belonging to or had by such society or branch, shall be vested in the trustees or trustee for the time being of the same, for the use and benefit of such society or branch, and the respective members thereof, their respective executors or administrators, according to their respective claims and interests, and after the death or removal of any trustees or trustee shall vest in the succeeding trustees or trustee for the same estate and interest as the former trustees or trustee

⁹ This clause is taken from the 10 Geo. 4, c. 56, s. 13, but is more extensive. The power to invest the funds on the security of county or borough rates, or on loan to a member of the society, is new. See *post*, s. 38, as to investing moneys with the Commissioners for the Reduction of the National Debt.

had therein, and subject to the same trusts, without any conveyance or assignment whatever, except the transfer of stocks and securities in the public funds of Great Britain and Ireland; and also shall, for all purposes of action or suit, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be, the property of the person or persons appointed to the office of trustee of such society for the time being, in his or their proper name or names, without further description; and such persons or person shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit, or prosecution, criminal as well as civil, in any court of law or equity, touching or concerning the property, right, or claim aforesaid of or belonging to or had by such society or branch; and such persons shall and may in all cases concerning the property, right, or claim aforesaid of such society, sue and be sued, plead and be impleaded, in any court of law or equity, in their or his proper names or name, as trustees or trustee of such society or branch, without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of such person or his removal from the office of trustee, but the same shall and may be proceeded in by the succeeding trustees or trustee in the proper name of the person commencing the same, and such succeeding trustees or trustee shall pay or receive like costs as if the action or suit had been commenced in his or her name, for the benefit of or to be reimbursed from the funds of such society or branch: provided always, that no person shall be deemed to be a trustee under the meaning of this act until the resolution of the society or branch appointing him trustee shall have been transmitted, under the hand of three members of the society or branch, and signed by such trustee, countersigned by the clerk or other principal officer, to the

registrar, to be by him deposited with the rules of the society or branch in his custody as aforesaid.¹⁰

14. *Limitation of responsibility of treasurer, &c.; treasurer, &c., liable for money actually received.*

—And be it enacted, that no treasurer or trustee or other officer of any society or branch established under the authority of this act shall be liable to make good any deficiency which may arise in the funds thereof unless he shall have declared, by writing under his hand, to be deposited with the registrar, that he is willing so to be answerable; and it shall be lawful for each of such persons to limit his responsibility to such

¹⁰ This clause is similar to 10 Geo. 4, c. 56, s. 21. It, however, dispenses with the necessity of obtaining the consent of the members to bringing or defending actions which is required by the 10 Geo. 4. The proviso that no person is to be deemed to be a trustee until his appointment has been sent to the registrar, is new. Until, however, this proviso has been complied with, no action can be maintained by the trustees, as in fact they are not trustees within the act, and the property does not vest in them until their appointment has been so transmitted. As to the necessity of complying with the act in order to sue in the name of the trustees, see *Battey v. Townrow* (4 Camp. 5.) But this restriction against suing will only apply when it will be necessary for the property to vest in them by virtue of their appointment as trustees in order to sue; there will be no reason why they may not sue on a bond, or even a bill of exchange, made payable to themselves. In *Jones v. Woollam* (5 B. & A. 769), a bond given to the plaintiff as the treasurer of a Friendly Society, for the use of the society, was held to be a security upon which the plaintiff might sue, though the rules and regulations of the society had not been confirmed at the quarter sessions, in pursuance of the statute 33 Geo. 3, c. 54, s. 2. See also *Bawden v. Howell* (4 Scott, N. R. 331), which was an action brought on a promissory note given to the plaintiffs, who were trustees of a Friendly Society, and on which they recovered, although the society had not been enrolled, because it did not appear from the note that the plaintiffs were trading as partners with any others. It is also to be observed that by sect. 16 it is declared, that if the trustees neglect to make the annual returns to the registrar required, or make a false one, they are to be incapable of suing on behalf of the society, until they have duly furnished such returns.

As the society is not to be deemed legally established until the rules of it have been duly certified by the registrar (see *ante*, sect. 6), no action can be brought until this has been done. For the mode of conducting proceedings by the society against its members, see *post*, sect. 22. A member is a competent witness on a trial (see *post*, s. 32.)

sum as shall be specified in such writing: provided always, that every treasurer, trustee, and other officer shall be personally responsible and liable for all moneys actually received by him on account of or for the use of such society or branch.

15. *Trustees to transmit annual return to registrar.*—And be it enacted, that the trustees or other officer of every such society or branch in whose charge the accounts of the said society are kept shall once in every year prepare or cause to be prepared a general statement of the funds and effects of such society or branch during the past twelve months, in such form as shall enable the registrar to make a return under the several heads set forth in schedule (F.) to this act annexed, as accurately as such officer may be able to furnish the information required, and shall transmit the same to the registrar on some day before the first of September in each year; and every such statement shall be attested by two trustees of such society, and by the auditor, if any such shall have been appointed, and shall be countersigned by the officer who keeps the accounts of such society; and every member shall be entitled to receive from the said society a copy of such statement on payment of sixpence.¹¹

16. *In default of such return, trustees to be incapable of bringing action.*—And be it enacted, that if in any year such statement shall not have been transmitted as aforesaid on or before the last day of September, the registrar shall give notice to the trustees of such society or branch; and if the said statement shall not have been transmitted on or before the last day of December following, or if any fraudulent or wilfully false return shall have been transmitted, such trustees are hereby declared to be incapable of prosecuting any action in any court of law or equity on behalf of such society or branch until they shall have

¹¹ This provision is taken from 10 Geo. 4, c. 56, s. 33.

duly furnished to the registrar such statement as aforesaid.¹²

17. *Quinquennial returns to be sent to registrar.*—And whereas it is desirable, for the better security of Friendly Societies, that correct calculations of tables of payment and allowances dependent on the duration of sickness and the probabilities of human life should be constructed for their assistance; and it is expedient to collect data and facts resulting from the experience of such societies from time to time, for the purpose of correcting such calculations: be it enacted, that the trustees or other officers as aforesaid of every society or branch established under the provisions of this act, in which any benefits are assured for an allowance in sickness, an annuity, deferred or immediate, or a sum to be paid on death, shall, within three months after the expiration of the month of December one thousand eight hundred and fifty-five, and so again within three months after the expiration of every five years succeeding, transmit to the registrar a return of the rate of sickness and mortality experienced by the society or branch within the preceding five years, in such form as shall be prepared for that purpose, and furnished to the trustees of every such society or branch, by the said registrar, under the direction of one of Her Majesty's principal Secretaries of State.¹³

18. *Registrar to prepare abstract of returns to be laid before Parliament.*—And be it enacted, that the registrar shall cause to be made an abstract and report

¹² It is presumed that in an action by trustees, the not furnishing the returns required by sect. 15, is a defence which must be specially pleaded, and cannot be given in evidence under the general issue, as it is not required that the trustees should prove that such returns have been made, in order to prove their cause of action.

¹³ The statute 9 & 10 Vict. c. 27, s. 6, imposed a penalty of 5*l.* on the officer wilfully neglecting to make such quinquennial returns to the registrar. This is omitted in the present act, and there would consequently appear to be no punishment for such neglect. In criminal proceedings the indictment should lay the property in the trustee.

of all such annual and quinquennial returns, and shall lay the same before one of Her Majesty's principal Secretaries of State, and before both Houses of Parliament.

19. *When trustees shall be absent, &c., registrar may order stock to be transferred and dividends paid.*—And be it enacted, that whenever it shall happen that any person in whose name any part of the several stocks, annuities, and funds transferable at the Bank of England, or in the books of the Governor and Company of the Bank of England, is or shall be standing as a trustee of any such society or branch, shall be out of England, Ireland, or Scotland respectively, or shall have been removed from his office of trustee, or shall be a bankrupt, insolvent, or lunatic, or it shall be unknown whether such trustee is living or dead, it shall be lawful for the registrar to direct that the accountant-general, secretary, or deputy secretary, or other proper officer for the time being of the Governor and Company of the Bank of England, do transfer in the books of the said company such stock, annuities, or funds standing as aforesaid to and into the name of the newly-appointed trustee or trustees, and also pay over to such person or persons as aforesaid the dividends of such stock, annuities, or funds; and whenever it shall happen that one or more only, and not all or both, of such trustees as aforesaid, shall be so absent, or have been removed, or be a bankrupt, insolvent, or lunatic, or it be unknown whether any one or more of such trustees be living or dead, it shall be lawful for the said registrar to direct that the other and others of such trustees do transfer such stock, annuities, or funds to or into the name of such person so appointed trustee as aforesaid, jointly with the continuing trustees, if any, and also receive and pay over the dividends of such stock, annuities, or funds, as such society shall direct.¹⁴

¹⁴ This clause is similar to 9 & 10 Vict. c. 27, s. 17. The rules are to provide for the mode of appointing trustees: (*ante*, sect. 4.)

20. *Act to be an indemnity to the bank.*—And be it enacted, that this act shall be a full and complete indemnity and discharge to the Governor and Company of the Bank of England, and their officers and servants, for all acts and things done pursuant hereto; and such acts and things shall not be questioned or impeached in any court of law or equity to their prejudice or detriment.

21. *Provisions of 39 Geo. 3, c. 79, and of 57 Geo. 3, c. 19, not to extend to Friendly Societies under this act.*—And be it enacted, that the provisions of an act passed in the thirty-ninth year of the reign of King George the Third, intituled *An Act for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for better preventing treasonable and seditious Practices*, and also of another act passed in the fifty-seventh year of the reign of King George the Third, intituled *An Act for the more effectual preventing seditious Meetings and Assemblies*, shall not extend to any society or branch established under this act in which benefits are assured to the members depending on the laws of sickness and mortality, or to any meeting of the members or officers thereof, in which society or branch or at which meeting no business whatever is transacted other than that which directly and immediately relates to the objects of the society or branch as declared in the rules thereof, as they are set forth in the certified copy thereof: provided always, that the trustees or other officers of such society or branch, when required under the hand of two of Her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society or branch, and in default thereof the provisions of the said recited acts shall be in force with regard to such society or branch.¹⁵

¹⁵ The requiring the officers of the society to render information to the justices of the proceedings of the society is new. The clause is

22. *Disputes between society and trustees to be settled according to rules—Questions of equity to be settled by County Court, or Sheriff Court of Scotland.*—And be it enacted, that if any dispute shall arise between the members, or person claiming under or on account of any member, of any society or branch established under this act, and the trustees, treasurer, or other officer or committee thereof, it shall be settled in such manner as the rules of such society or branch shall direct, and the decision so made shall be binding and conclusive;¹⁶ but if such dispute be of such kind that for the settlement of it, according to the laws now in force, recourse must be had to one of Her Majesty's courts of equity, or to the Court of Session, it may be referred, at the option of either party, to the judge of the County Court or of the Sheriff Court in Scotland, who shall proceed *ex parte*, on notice in writing to the other of the said parties being left at his usual place of residence or abode ten days previously; and he is hereby authorized to require of all parties who are or may have been members, trustees, or officers of such society to produce before him all books or other documents relating to the concerns of such society; and thereupon, if he shall so think fit, it shall be lawful for him to determine

otherwise more limited in its exemption than the 9 & 10 Vict. c. 27, s. 9, as the exemption is not to extend to every Friendly Society established under the act, but only to those in which the benefits assured depend on sickness and mortality.

¹⁶ The rules are to set forth the manner in which disputes between the society and members are to be settled (*ante*, sect. 4.) Where the rules provide a mode of settlement, that mode must be pursued, and no action will lie to enforce the rights of the party complaining: (*Crisp v. Bunbury*, 8 Bing. 394.) In cases which would otherwise have to be determined by a court of equity, an option however is reserved to refer the same to the County Court, as appears from the subsequent part of this 22nd section. By 10 Geo. 4, c. 56, s. 27, the rules were to determine whether such disputes should be referred to arbitrators, and the 4 & 5 Will. 4, c. 40, s. 7, provided that if the rules directed such reference, and the society refused to grant it, the disputes should be determined by the justices. So by sect. 24 of present act, if no arbitrators be appointed, or award given when the rules provide for settlement of disputes by arbitration, the justices are empowered to decide.

the said dispute, and to displace any such trustee or officer, or to make such award as the justice of the case, in his opinion, may require, and such decision or award shall be binding and conclusive.¹⁷

23. Rules for arbitration, where such is appointed by rules : justices may enforce the award.—And be it enacted, that if it shall be provided by the rules of such society or branch that disputes which may arise between any member thereof and the trustees, committee, or officers on the part of the society shall be settled by arbitration, the number of arbitrators and mode of election shall be stated in the rules; and in case any of such arbitrators shall at any time neglect or refuse to act, the members of such society or branch at a general meeting, or general committee thereof, are hereby required forthwith to elect and appoint some other person to be an arbitrator in his place; and the rules shall direct in what manner such arbitrators, or any of them, shall proceed to determine such disputes; and the award so made by them, or so many as may be appointed for the purpose, according to the rules, shall be final and binding on all parties without appeal, and shall not be removed to any court of law or equity; and if either of the said parties shall refuse or neglect to comply with or conform to the decision of the said arbitrators, or

¹⁷ The reference of questions of equity to the judge of the County Court is in lieu of such reference to the registrar as provided by 9 & 10 Vict. c. 27, s. 15. The allowing the reference to be made at the option of either party is novel. Under the 9 & 10 Vict. the reference was directed to be in writing, and, being a reference by both parties, might be acted on in the ordinary way, but here it is not said if this reference is to be in writing, or how it is to be carried out. It is not even said to what County Court judge it is to be referred, but it is presumed it should be to that one within the jurisdiction of which the society is established. Application had better in the first instance be made by the party wishing such reference to the opposite party to consent to the dispute being so referred to the County Court judge, and in case of refusal or neglect, then the judge should be applied to to issue such summons as he should think proper, requiring the attendance of the parties with the books and documents relating to the concerns of the society, and giving also notice that in case of non-attendance the reference will be proceeded in *ex parte*.

the major part of them, it shall and may be lawful for any one justice of the peace for the county within which such society shall be established, upon good and sufficient proof being adduced before him of such award having been made, and of the refusal of the party to comply therewith, upon complaint made by or on behalf of the party aggrieved, to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof upon due proof upon oath of the service of such summons, to make such order thereupon as may to him seem just; and if the sum of money awarded, together with the sum for costs, not exceeding the sum of ten shillings, as to such justice shall seem meet, shall not be immediately paid, then such justice shall, by warrant under his hand, cause such sum and costs as aforesaid to be levied by distress, or by distress and sale of the moneys, goods, chattels, securities, and effects belonging to the said party or to the said society, together with all further costs and charges attending such distress and sale or other legal proceedings, returning the overplus (if any) to the said party, or to the said society, or to one of the trustees thereof; and in default of such distress being found, or in case of such other legal proceeding being ineffectual, then to be levied by distress and sale of the proper goods of the said party or of the officer of the said society so neglecting or refusing as aforesaid, together with such further costs and charges as aforesaid, returning the overplus (if any) to the owner: provided always, that whatever sums shall be paid by any such officer so levied on his or her property or goods in pursuance of the award of arbitrators, or order of any justice, shall be repaid, with all damages accruing to him or her, by and out of the moneys belonging to such society, or out of the first moneys which shall be thereafter received by such society.¹⁸

¹⁸ See the next section, viz., sect. 24, for the mode of proceeding in case of no award being made. If the arbitrators do not proceed in the

24. *If no arbitrators appointed, or no award given, justices may decide.*—And be it enacted, that if the rules of any such Friendly Society or branch shall have provided for the settlement of disputes by arbitration, but no arbitrator shall have been appointed, or no award shall have been made within forty days after such complaint has been made to the officers of such society or branch, or if the rules shall have directed that any dispute between the members and the trustees or other officer on the committee of management shall be settled by justices of the peace, then it shall be lawful for any justice of the peace acting in the county or borough in which the principal business of the society or branch is carried on, on complaint being made to him by any member, or person claiming under a member thereof, of any matter in dispute between him and such society or branch, to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons; and upon his appearance, or in default thereof upon due proof on oath of the service of such summons, it shall be lawful for any two justices to proceed to hear and determine the said complaint; and in case the said justices shall order any sum of money to be paid by such person against whom such complaint shall be made, and such person shall not pay the same to the person and at the time specified by such justices, they shall proceed to enforce their order in the manner hereinbefore directed to be used in case of any neglect to comply with the decision of the arbitrators appointed under the authority of this act.¹⁹

reference according to the manner directed by the rules, as if, for example, they shall refuse to receive evidence the rules require them to receive, or the award in other respects is not made according to the rules, it is not final and binding, and it is, in fact, no award within the meaning of the act: (see *Reg. v. Grant*, 13 Jur. 1026, and *post*, sect. 24.)

The enforcing compliance with the award by an order of the justices is the same as 10 Geo. 4, c. 56, s. 27, except that that statute requires the order to be made by two justices, whereas, henceforth, the order of one justice will be sufficient.

¹⁹ This is an amalgamation of 4 & 5 Will. 4, c. 40, s. 7, and 10

25. In case member is unjustly expelled, arbitrators or justices may direct such member to be reinstated, and in default may award a sum of compensation.—And be it enacted, that in case any member of any such society or branch shall have been expelled from such society, and the award of the arbitrators or the order of the justices shall direct that he or she shall be reinstated, it shall be lawful for such arbitrators to award or justices to order, in default of such reinstatement, such a sum of money to be paid to such member by the trustees of such society as to such arbitrators or justices may seem just and reasonable, which said sum of money, if not paid, shall be recoverable from the said society or branch, or the treasurer, trustee, or

Geo. 4, c. 56, s. 28, with a few alterations. Previously to proceeding under this section, where the rules provide for a settlement of disputes by arbitration, a complaint (which had better be in writing) should be made to the officers of the society of their not having appointed an arbitrator, or of the arbitrator having neglected to make his award, and such complaint should be accompanied with an application to such officers to appoint an arbitrator or to procure the award to be made, as the case may be. If this is not attended to within forty days, the justices may then be required to summon the party under this section. As jurisdiction is only given to the justices in such cases on the condition that no arbitrator has been appointed, or no award has been made within the time specified, the decision of the justices that that condition existed is not conclusive. Where, therefore, P. J., a member of the Leeds Philanthropic Society, who had been expelled for an alleged breach of one of the rules of the society, applied to arbitrators appointed according to 10 Geo. 4, c. 56, and they made an award that P. J. be expelled from the society; and P. J., treating the award as void and null, applied to justices for the county, who made an order in which they adjudged that the arbitrators had neglected and refused to hear evidence on both sides touching the matter in dispute, and to make their award therein, and that P. J. be reinstated in the society, it was held by the Court of Queen's Bench that the adjudication by the justices that the arbitrators had neglected and refused to make an award, was a decision upon one of the preliminaries necessary to their jurisdiction, and, therefore, was not conclusive: (*Reg. v. Grant*, 19 L. J. (N. S.) M. C. 59, and 13 Jur. 1026.) In the same case the court also held that the justices had jurisdiction under 4 & 5 Will. 4, c. 40, s. 7, which gives jurisdiction to the justices in case of the neglect or refusal of the arbitrators to make an award, where the award made was not final and binding within the meaning of the statute 10 Geo. 4, c. 56, which, for that purpose, requires the award to be made according to the rules of the society; and that where, therefore, the rules of a society declared that the arbitrators should hear evidence on both sides,

other officer, in the same way as any money awarded by arbitrators is recoverable under this act.²⁰

26. *In case of fraud or imposition on the funds, justices may summon the parties, and hear the complaint; upon proof of fraud, justices may award double the amount obtained, &c.; if money awarded is not paid, the same may be levied by distress; in default of distress, offender may be committed to prison.*—And be it enacted, that for the more effectually preventing fraud and imposition on the funds of such societies, if any officer, member, or any other person being or representing himself to be, a member of such society or branch, or the nominee, executor, administrator, or assignee of any member thereof, or any other person whatever, shall in or by any false representation or imposition obtain possession of the moneys, securities, books, papers, or other effects of such society or branch, or any part thereof, or having the same in his or her possession shall withhold or misapply the same, it shall be lawful for any justice of the peace acting in the county or borough in which the principal place of business of such society is situated, upon complaint

and their decision be binding on all parties and final, and the arbitrators refused to hear the evidence of one side, the award was not final. It will be observed, that the previous section (viz., s. 23) of the present act only declares to be final and binding on all parties “the award *so made*” by the arbitrators, “or so many as may be appointed for the purpose, *according to the rules*,” so that the justices will have jurisdiction under this 24th section though the award be made, if it be not made according to the rules of the society.

In case the justices make an order under this 24th section for a sum of money to be paid, they cannot proceed to enforce such order by distress without a previous summons to the party neglecting to pay being first issued, to show cause why the distress warrant should not issue; the order of the justices under this section being analogous to an award by arbitrators under the previous section (sect. 23): (*Hammond v. Bendyshe*, 18 L. J., M. C. 219, and 13 L. T. 486,) which was decided on the 28th sect. of 10 Geo. 4, c. 56, which gives a similar power to two justices to make an order directing what shall be paid, as that contained in this 24th section.

²⁰ This is the same as 4 & 5 Will. 4, c. 40, s. 8. The money is to be recovered by summons before the justices, and distress in the mode directed by sect. 23 of the present act.

made on oath or affirmation by an officer of such society or branch appointed for that purpose, to summon such person against whom such complaint shall be made to appear at a time and place to be named in such summons; and upon his or her appearance, or in default thereof upon due proof upon oath or affirmation of the service of such summons, it shall be lawful for any two justices acting in the county or borough aforesaid to hear and determine the said complaint; and upon due proof of such fraud the said justices shall convict the said party, and award double the amount of the money so obtained or withheld to be paid to the treasurer, to be applied by him to the purposes of the society or branch, or order the said securities, books, papers, or other effects to be delivered to the society or branch, together with such costs as shall be awarded by the said justices, not exceeding the sum of twenty shillings; and in case such person against whom such complaint shall be made shall not pay the sum of money so awarded, to the person and at the time specified in the said order to deliver the said effects as aforesaid, such justices are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods of such person on whom such order shall have been made, or by other legal proceeding, together with such costs as shall be awarded by the said justices, not exceeding the sum of ten shillings, and also the costs and charges attending such distress and sale or other legal proceeding, returning the overplus (if any) to the owner; and in default of such distress being found, or of such effects as aforesaid being returned, the said justices of the peace shall commit such person so proved to have offended to the common gaol or house of correction, there to be kept to hard labour for such a period not exceeding three calendar months as to them shall seem fit: provided nevertheless, that nothing herein contained shall prevent the said society or branch from proceeding by indictment or complaint against the party complained of; and provided also, that no party

shall be proceeded against by indictment or complaint if a previous conviction has been obtained for the same offence under the provisions of this act.²¹

*27. Orders of justices to be final, and not removable into court of law, &c.—*And be it enacted, that every sentence, order, and adjudication of justices under this act shall be final and conclusive to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court of equity ; and that no suspension, advocation, or reduction shall be competent :²² provided always,

²¹ This section is very clumsily worded. The intention of the Legislature has been to extend the 10 Geo. 4, c. 56, s. 25 (on which this section has been framed), to cases of wrongful withholding of securities or effects of the society. This section empowers the justices to award costs not exceeding 20s., but if the order is not obeyed, the costs so awarded, which may be levied by distress, are not to exceed 10s. This is evidently a mistake. Then, the framers of this section seem not to have contemplated money improperly obtained or withheld, except in the case where the effects of the society have also been withheld ; for the only case in which a power of distress is given, is where the person " shall not pay the sum so awarded to the person and at the time in the said order to deliver the said effects as aforesaid," so that if there is no order to deliver the effects, the case in which a distress warrant may be issued will never arise, nor will there be any power to commit ; in short, there will, in such case, be no means of enforcing the order of the justices for the payment of the sum awarded, except, perhaps, by indictment against the party for disobeying the order. Upon the trial of such indictment, a question may arise whether the proviso at the end of this section will prevent such proceedings by indictment after a previous conviction of the party by the justices, but we think, however, that if an objection of such kind should be started it will not prevail, as the indictment will be for not obeying the order, which is a different offence from that on which the conviction was obtained and the order was made. It is still to be regretted that this section is so defective in providing the means of compelling payment of the money awarded.

It is to be observed that although this section, in general words, gives power to a justice to summon a person who withholds or misapplies money or effects of the society, it applies only to where such withholding or misapplication is fraudulent, for it goes on to declare that " upon due proof of such fraud the said justices shall convict the said party," so that to obtain a conviction it is necessary to give evidence of fraud.

²² This is the same as 10 Geo. 4, c. 56, s. 29.

that in Scotland the sheriff, within his county, shall have such and the like power, authority, and jurisdiction which is in this act conferred upon any justice or justices of the peace, and shall exercise the same in such and the like form and manner as is used in cases of a summary nature, and in the recovery of small debts in the County Court.²³

28. Treasurers, &c. to render accounts, and upon demand pay over moneys, &c. to party appointed by society, &c. ; and in case of neglect application may be made to the registrar, who shall proceed thereupon in a summary way.—And be it enacted, that every person who shall have or receive any part of the moneys, effects, or funds of or belonging to any such society or branch, or shall in any manner have been or shall be intrusted with the disposal, management, or custody thereof, or of any securities, books, papers, or property relating to the same, his or her executors, administrators, and assigns respectively, shall, upon demand made, or notice in writing given or left at the last or usual place of residence of such persons, in pursuance of any order of not less than two trustees or three members of the committee or board of management, give in his account at the usual meeting of such society or branch, or to such committee or board of management, to be examined and allowed or disallowed ; and shall, on the like demand or notice, pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property, in his hands or custody, to the treasurer or trustee for the time being, or to such other person as such committee or board of management shall appoint ; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to assign, transfer, or deliver such securities and effects, books,

²³ This proviso for giving the like power to the sheriff in Scotland to decide disputes and punish in cases of fraud, &c., as is given by this act to justices, is new.

papers, and property, in manner aforesaid, it shall be lawful to and for the members of every such society, or committee or board of management thereof, in the name of the treasurer or trustee or other officer thereof, to apply by petition to the registrar, who shall and may proceed thereupon in a summary way, and make such order therein as to such registrar, in his discretion, shall seem just.²⁴

29. *On such reference registrar may inspect books and administer oaths; false evidence perjury.*—And be it enacted, that on any proceedings before the said registrar he shall be authorized to inspect and to require the production before him of all books or other documents relating to the matter in dispute, and to administer an oath to any witness appearing before him ; and every person who upon such oath shall wilfully and corruptly give any false evidence before such registrar shall be deemed to be guilty of perjury.

30. *Orders, &c. to be binding without appeal.*—And be it further enacted, that all orders made by the registrar under the provisions of this act shall be final and binding on all parties, without appeal ; and all assignments, orders, transfers, or sales made in pursuance of such order shall be valid and effectual in law ; and if any person shall refuse or neglect to obey such order, and shall be convicted thereof, he shall be deemed guilty of a misdemeanor.²⁵

31. *Secretary of State to fix amount of fees payable*

²⁴ Previous to this act the mode of enforcing the delivery of accounts by treasurers was by petition in the Court of Exchequer, under the 10 Geo. 4, c. 56, s. 14; the reference, which is now to be by petition to the registrar, is likely to be more beneficial and satisfactory.

²⁵ The 15th section of 9 & 10 Vict. c. 27, contained a clause like this, making the order of the registrar final, but the making disobedience to such order an offence of misdemeanor is new. The result will be, that an indictment will lie for not obeying any order made by the registrar under this act.

on reference, and registrar to determine who shall pay them.—And be it enacted, that it shall be lawful for one of Her Majesty's principal Secretaries of State from time to time to fix reasonable fees to be paid on any such proceedings before the registrar, and all such fees shall be paid in the first instance by the trustees of the society or branch; and the registrar shall determine in and by his award or order by which of the parties and in what proportion the expense of such fees shall be finally borne; and the trustees of such society or branch, having paid such fees, shall be entitled to recover them from the party or parties against whom they shall be so awarded.²⁶

32. *Member of Friendly Society may be a witness*—And be it enacted, that on the trial of any action, indictment, or other proceeding respecting the property of any society established under the provisions of this act, or in any proceedings before any justice of the peace, judge of the County Court, or the registrar, any member of such society shall be a competent witness, and shall not be objected to on account of any interest he may have as such member in the result of such action, indictment, or other proceeding.²⁷

33. *Minors may be members, and have legal authority to act, but not to hold office.*—And be it enacted, that a minor may become a member of any such society or branch, and he is hereby empowered to execute all instruments, and give all necessary acquittances; provided always, that such minor shall not be competent during his minority to hold any office as director, trustee, treasurer, or manager in such society or branch.²⁸

²⁶ This section is similar to 9 & 10 Vict. c. 27, s. 18.

²⁷ This, in effect, is the same as 4 & 5 Will. 4, c. 40, s. 10.

²⁸ The 10 Geo. 4, c. 56; s. 32, required the consent of the parents, masters, or guardians of a minor to his being admitted a member of any such society, in order to his being legally a member, and invested with the rights and liabilities of a member. This is omitted in this act, and, therefore, such consent will no longer, it seems, be requisite.

34. *Consent necessary for dissolution of society.*—And be it enacted, that it shall not be lawful for the members of any such society or branch, by any rule or order or resolution, to dissolve or determine such society or branch, so long as the intents or purposes declared by the rules of such society, or any of them, remain to be carried into effect, without obtaining the votes of consent of five-sixths in value of the then existing members, to be ascertained in manner herein-after mentioned, and also the consent of all persons then receiving or then entitled to receive relief either on account of sickness, age, or infirmity, to be testified under their hands individually and respectively ; and for the purpose of ascertaining the votes of such five-sixths in value every member shall be entitled to one vote, and an additional vote for every five years that he may have been a member ; provided also, that no one member shall have more than five votes in the whole ; and in all cases of dissolution the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the proposed plan of dissolution prior to such consent being given ; and it shall not be lawful for such society or branch by any rule to direct the division or distribution of such stock or fund, or any part thereof, to or amongst the several members of such society, other than for carrying into effect the general intents and purposes declared by the rules originally certified ; and all such rules for the dissolution or determination thereof without such consent as aforesaid, or for the distribution or division of the stock or funds contrary to the rules, shall be void and of none effect ; and in the event of such division or misappropriation of the funds without the consent hereby declared to be requisite, any trustee or other officer or person aiding or abetting therein shall be liable to the like penalties as are in this act provided in cases of fraud : provided always, that it shall be lawful for any two or more societies or branches to become united or incorporated in one society or branch, upon such terms as shall be

approved by the major part of the trustees and board of management of both societies or branches.²⁹

35. *Rules, &c., under hand of registrar to be received without proof of signature.*—And be it enacted, that all rules, alteration of rules, transcript or copy of or extracts from all rules and alteration of rules, and all awards, writings, and documents, of what nature or kind soever, relating to any society or branch, directed by any act or acts of Parliament to be certified by the registrar, and purporting to be signed by him, shall, in the absence of any evidence to the contrary, be received in all courts of law and equity and elsewhere, without proof of the signature thereto.

36. *Executors, &c., of officers of certified Friendly Societies to pay money due to society before any other debts, within forty days after demand in writing.*—And be it enacted, that if any person appointed to any office in any Friendly Society or branch thereof established under this act, and being intrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any moneys or effects belonging thereto, or any deeds or securities relating to the same, shall die, or become a bankrupt or insolvent, or have any execution or attachment or other process issued, or action or diligence raised, against his lands, goods, chattels, or effects, or property or estate, heritable or moveable, or make any assignment, disposition, assignation, or other conveyance thereof, for the benefit of his creditors, his heirs, executors, administrators, or assignees, or other persons having legal right, or the sheriff or other officer executing such pro-

²⁹ This section makes it unlawful and punishable with the like penalty as provided by sect. 26, in cases of fraud to make any rule for the dissolution of a society contrary to its rules without the consent of five-sixths in value of its members. It is, in like manner, made unlawful to divide the stock of such society, otherwise than for the purposes declared by its rules originally certified. The section is taken from 10 Geo. 4, c. 56, s. 26.

cess, or the party using such action or diligence, shall, within forty days after demand made in writing by the order of any such society or branch, or of not less than three of the committee of management assembled at any meeting thereof, deliver and pay over all moneys and other things belonging to such society or branch to such person as such society or committee shall appoint, and shall pay out of the estates, assets, or effects, heritable or moveable, of such person, all sums of money remaining due which such person received by virtue of his said office or employment, before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid, or which may be recovered or recoverable under such diligence, is paid over to the party issuing such process or using such diligence; and all such assets, lands, goods, chattels, property, estates, and effects shall be bound to the payment and discharge thereof accordingly.³⁰

³⁰ This section is similar to 4 & 5 Will. 4, c. 40, s. 12, which extended the cases provided by the earlier acts in which the society was to be entitled to priority of payment. The debts to be preferred are not, by the present act any more than by the former acts, generally all debts due to the society, but only debts from an officer intrusted with the keeping of the accounts or having the effects of the society in his possession by virtue of his office; so that if the society trusts any person upon his private security, those debts have no preference (*Ex parte the Amicable Society of Lancaster*, 6 Ves. 98); and under 33 Geo. 3, c. 54, s. 10, it was held that the right to preference did not exist merely by the debtor being an officer of the society, but that it was necessary that the money should have come into his hands by virtue of his office; consequently, money lent by a society to one of its officers upon a special contract, as upon his promissory note, has been decided not to be money in his hands by virtue of his office: (*Ex parte Ashley*, 6 Ves. 441; *Ex parte Ross*, 6 Ves. 802; *Ex parte Stamford Friendly Society*, 15 Ves. 280; *Ex parte Buckland*, 1 Buck. 514.) The same construction will be applicable to this section of the present act, which also confines the cases to where the officer has had money or effects *by virtue of his office*. Where, however, a bankrupt, on being appointed treasurer of a Friendly Society, was by the rules to pay interest on a stated sum in hand, it was held, in *Ex parte Ray* (1 M. & Ch. 537), that that did not constitute a loan, but came within 4 & 5 Will. 4, c. 40, s. 12, as being money in his hands by virtue of his office as treasurer. In a case in which the rules of the society provided that the treasurer retaining upwards of 10*l.* more than seven days after he was required to pay it over should be excluded from the society, and the rules also decided that a particular firm should be the bankers of the society, with

*37. Member belonging to more than one society not to be entitled to benefits exceeding 100*l.*, or 30*l.* annuity, or 20*s.* sickness.*—And be it enacted, that if any person after the passing of this act shall become a member of more than one society or branch, and thereby be entitled to certain benefits on account of the same kind of assurance from more than one society or branch, it shall not be lawful for him to claim or receive such benefit from any or either society or branch without signing a declaration that the joint value or amount of all the benefits in any one kind of assurance to which he may be entitled from any society or societies, branch or branches, of which he may be a member, does not in the aggregate exceed the amount of one hundred pounds in one sum, or an annuity of thirty pounds per annum, or a sum in sickness of twenty shillings per week; and in case such declaration shall not be true, such member shall be liable to the penalties hereinbefore enacted in case of fraud.³¹

38. Power to certified societies to invest moneys with National Debt Commissioners, upon declaration that they belong exclusively to the society; in case declaration not true money to be forfeited and applied in manner directed by 9 Geo. 4, c. 92.—And be it enacted, that it shall be lawful for any certified society, or certified branch thereof, established under this act, to pay directly into the Bank of England any sum of money not less than fifty pounds to the account of the Commissioners for the Reduction of the National Debt,

power for a general meeting to appoint other bankers, it was held that the bankers for the time being were not officers so as, upon their bankruptcy, to entitle the society to payment in full: (*Ex parte Harris, 1 De Gex, 162.*)

³¹ This is new. The object of the act is to limit the amount of benefit to be assured to any member to 100*l.*, or an annuity of 30*l.*, or 20*s.* a week in case of sickness: (see *ante*, s. 2.) The present section seeks to prevent such limit being exceeded by persons becoming members of several societies. The penalty for obtaining money by making a false declaration is to be that provided in cases of fraud by sect. 26, namely, double the amount so obtained. Where no money is so obtained, there must necessarily be no penalty.

upon the declaration of the treasurer or trustees of such society or branch, or any two or more of them, that such moneys belonging exclusively to the society or branch for which such payment is intended to be made; and the cashier of the Bank of England is hereby required to receive all such moneys, and to place the same to the account raised in the names of the said commissioners for the time being in the books of the bank, denominated "The Fund for Friendly Societies;" and in case such declaration shall not be true, then and in every such case the sum of money paid in on such declaration shall be forfeited to the said commissioners, and applied by them in the manner directed by an act passed in the ninth year of the reign of King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*; and all the clauses and provisions of the acts for the time being in force relating to savings banks, with respect to the account of such banks, and the regulation of receipts, certificates, or orders concerning the same, shall be applicable to the moneys so paid in as aforesaid under the authority of this act, as if the same had been repeated herein; and every such society or branch shall, on paying money directly into the bank as aforesaid, be entitled to receive receipts bearing interest at the rate of twopence per centum per diem: provided always, that no fractional part less than one penny shall be allowed or paid as interest upon the principal sum contained in such receipt.³²

³² This section confines the privilege of investing moneys with the Commissioners for the Reduction of the National Debt to *certified* Friendly Societies. Previously to the present act the power to invest their funds with the commissioners extended to all societies established under the Friendly Acts, except societies for purchase of food, implements of trade, &c., or which required the certificate of the Attorney-General as mentioned in 9 & 10 Vict. c. 27, s. 1, or societies assuring for more than 200*l.*: (see 3 & 4 Vict. c. 73, s. 2; and see also the 10 Geo. 4, c. 56, s. 31, on which the present section is framed.) What is required to become a certified society is printed out in sect. 7 of the present act.

Friendly Societies existing before the present act which have invested their funds with the Commissioners for the Reduction of the National

39. Powers of attorney, &c., not liable to stamp duty.

—And be it enacted, that, except as hereinafter provided, no order of the registrar, or copy of rules, power, warrant, or letter of attorney granted by any person as trustee of any society or branch established under this act, for the transfer of any share in the public funds standing in the name of such trustee, nor any receipt for money contributed to the funds of any such society or branch, or received by any member, his executors, administrators, assigns, or attorneys, from the funds of such society, nor any bond to be given to or on account of any such society or branch, or by the treasurer or trustee or any officer thereof, nor any draft or order, nor any form of policy, nor any appointment of any agent, nor any certificate or other instrument for the revocation of any such appointment, nor any other document whatever required or authorized by or in pursuance of this act, shall be subject or liable to or charged with any stamp duty.³³

40. For payment of sums not exceeding 50l. when members die intestate.—And be it enacted, that when on the death of any member of any such certified Friendly Society, or any certified branch, or of any Friendly Society already established, any sum not exceeding fifty pounds shall become payable, it shall be lawful for the trustees for the time being of such society, if they shall be satisfied that no will was made and left by such deceased member, and that no letters of administration or confirmation will be taken out of the funds, goods, and chattels of such depositor, to pay the same to the widower or widow of such member, as the case may be, or to the child of such member, if so directed by any rule of such society or branch, and in case there shall be no such direction, then to pay and

Debt are to be allowed to continue such investments; but they are not for the future to invest except on account of assurances made before the passing of this act: (see *post*, sect. 43.)

³³ This is nearly the same as 10 Geo. 4, c. 56, s. 37.

divide the same to and amongst the person or persons entitled to the effects of the deceased intestate, without taking out letters of administration in England and Ireland, and without confirmation in Scotland.³⁴

41. Payments to persons who appear to trustees to be entitled to effects of deceased intestate members declared valid; but next-of-kin, &c., to have remedy against the party who receives the same.—And be it enacted, that whenever the trustees of any certified Friendly Society or branch, at any time after the decease of any member, shall have paid and divided any sum of money to or amongst any person or persons who shall at the time of such payment appear to such trustees to be entitled to the effects of any deceased intestate member, the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person or persons as next-of-kin of such deceased intestate member, or as the lawful representative or representatives of such member, against the funds of such society or branch or against the trustees thereof; but nevertheless such next-of-kin or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.³⁵

42. Payment on death of members to be made to executors, &c., and not to nominees.—And be it enacted, that from and after the passing of this act it shall not

³⁴ It is to be observed that this privilege of paying small sums in case of the death of members intestate, without the expense of taking out letters of administration, is confined to *certified* Friendly Societies, and does not therefore extend to mere registered societies. See the distinction, and what is required to become a certified society, *ante*, section 7. The sum of 50*l.* is an increase on the limit hitherto allowed, in which such payments may be made without letters of administration, the 10 Geo. 4, c. 56, s. 24, assigning for limit only the sum of 20*l.*

³⁵ The same observation applies to this section as was made to the last, that the privilege contained in it is confined to *certified* Friendly Societies.

be lawful for any society established under any act hereby repealed to grant any assurance whereby the sum assured on the death of the member shall be payable to any nominee or to any other person than the widower or widow of a member, as the case may be, or the child, or the executors, administrators, or assigns of such member, or in case the member shall die intestate, and the sum payable on his death shall not exceed fifty pounds, to the person whom the trustees shall consider entitled to the goods and effects of the member so dying intestate: provided always, that nothing in this act contained shall affect any power, privilege, or exemption in respect of any assurance legally made or granted before the passing of this act under the provisions of any of the acts hereby repealed: provided also, that it shall be lawful for any such society to add to its rules a rule or rules whereby any sum payable on the death of a member may be made payable to the executors, administrators, or assigns of such member.³⁶

43. Existing Friendly Societies not to invest with National Debt Commissioners except for assurances made before passing of this act.—And be it enacted, that no Friendly Society or branch established under any act now in force relating to Friendly Societies shall, from and after the passing of this act, be entitled or authorized to pay directly into the Bank of England any sum of money to the account of the Commissioners for the Reduction of the National Debt, except so much as may be paid on account of assurances made previous to the passing of this act by any society which has already invested its funds or any part thereof with the said commissioners: provided always, that nothing herein contained shall affect the right of any society established under any of the acts hereby repealed, and

³⁶ This is a new provision. The 3 & 4 Vict. c. 73, s. 3, expressly enabled certain Friendly Societies to appoint nominees to receive sums assured, and the 9 & 10 Vict. c. 27, s. 1, mentions nominees as persons to whom the money assured may be paid.

which shall have invested its funds with the Commissioners for the Reduction of the National Debt before the passing of this act, to receipts bearing interest at such rate as such society were entitled to receive under the provisions of the said acts, for any moneys invested or hereafter to be invested with the said commissioners on account of assurances made before the passing of this act.³⁷

*44. Declaration to be made by trustees on investment; if declaration not true, money to be forfeited and applied in manner directed by 9 Geo. 4, c. 92.—*And be it enacted, that from and after the passing of this act a declaration shall be made by the trustees of every Friendly Society established as aforesaid, on the payment into the Bank of England of any sum of money to the account of the said commissioners, that such payment is on account of insurances made previous to the passing of this act, in such form as the said commissioners shall from time to time direct; and in case such declaration shall not be true, then and in every such case the sum of money paid on such declaration shall be forfeited to the said commissioners, to be applied by them in the manner directed by an act passed in the ninth year of the reign of King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks.*

*45. Exemption from stamp duty not applicable to societies granting assurances above the limits of this act.—*And be it enacted, that nothing in the said acts now in force relating to Friendly Societies shall be construed to extend to grant any exemption from stamp duty to any Friendly Society enrolled or certified under the said acts which shall after the passing

³⁷ It is intended by this act that henceforth only *certified* Friendly Societies are to have the privilege of investing their funds with the Commissioners for the Reduction of the National Debt: (see *ante*, sect. 38.)

of this act assure the payment to or on the death of any member, or on any contingency or for any purpose to which the payment of sums may be assured under this act, of a sum exceeding one hundred pounds, or of any annuity exceeding thirty pounds per annum, or of a sum in sickness not exceeding twenty shillings per week.³⁸

46. Societies established under repealed acts to be entitled to exemptions and privileges of this act, if they do not grant assurances beyond the limits of this act.— And be it enacted, that every society duly enrolled or certified under any act hereby repealed which shall not after the passing of this act assure the payment to or on the death of any member, or on any contingency or for any purpose for which the payment of sums may be assured under this act, exceeding one hundred pounds, or an annuity exceeding thirty pounds per annum, or any sum in sickness exceeding twenty shillings per week, shall enjoy all the exemptions and privileges in this act conferred upon any society established under the provisions of this act.³⁹

47. Societies not to re-deposit moneys with Commissioners for Reduction of National Debt without consent of Comptroller General.— And be it enacted, that no Friendly Society already established, nor any certified society or certified branch thereof, which has already invested or may hereafter invest any money with the Commissioners for Reduction of the National Debt, shall be entitled to re-deposit any moneys with them, without the consent of the said commissioners, or of the Comptroller General or Assistant Comptroller in their behalf.

³⁸ This section applies to Friendly Societies existing before the present act; these were not deprived of their exemption unless the sum assured exceeded 200*l.* : (see 3 & 4 Vict. c. 73, s. 1.)

³⁹ This provision does not, it is presumed, however, confer on such societies established under the repealed acts, the privilege of *certified* Friendly Societies.

48. *Provisions of this act may be applied to benevolent and charitable societies formed by voluntary subscriptions, &c., if rules are registered in pursuance of this act.*—And whereas several benevolent and charitable institutions and societies are formed by voluntary subscriptions and benefactions for the purpose of relieving the physical wants and necessities of persons in distressed circumstances, and it is expedient to afford some protection to the funds thereof: be it therefore enacted, that if the rules of any such institution or society, and all alterations and amendments thereof, shall be registered under the provisions of this act, then and in that case the clauses and provisions herein contained, so far as the same relate to the giving of security from any treasurer or other officer or person, and to the vesting of the effects in the trustees for the time being, and to their suing and being sued, and as to the liability of the treasurer or trustee or other officer, and to the protecting, securing, or recovering the funds vested or being in such treasurer or trustees, and for enforcing the rendering of accounts by him or them, shall be extended to all and every such institution or society, which shall have and enjoy and be entitled to the benefits of this act, with respect to the several matters as aforesaid, as fully and effectually as any Friendly Society or branch registered under this act can or may have or enjoy the same.⁴⁰

49. *Construction of terms.*—And be it enacted, that in the construction of this act, unless there shall be something in the subject matter or context repugnant thereto, the word “society” shall include every branch thereof; the word “county” shall include county, riding, division, borough, or place; the word “justice”

⁴⁰ This is a new provision, and one which no doubt will be very useful and beneficial. The clauses to which it refers, and which are to become applicable so far as they relate to the matters contained in this section, upon such benevolent societies being registered, are, *ante*, sections 26, 28, 36.

shall include mayor, high bailiff, sheriff in Scotland, or other magistrate; the word "registrar" shall signify the Registrar of Friendly Societies in England, Scotland, or Ireland, as the case may be; words importing the singular number shall include the plural number; and words importing the masculine gender shall include females.

50. *Public act.*—And be it enacted, that this act shall be deemed a public act, and shall extend to Great Britain and Ireland and Berwick-upon-Tweed, and the Isles of Guernsey, Jersey, and Man.

51. *Act to be in force for one year.*—And be it enacted, that this act shall be in force for one year from the passing thereof, and from thence to the end of the then next session of Parliament.

52. *Act may be amended, &c.*—And be it enacted, that this act may be amended or repealed by any act to be passed in this session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Registrar's Certificate to Rules of Registered Friendly Societies.

I hereby certify, that these rules [or alterations of rules] are in conformity to law and to the provisions of the statute in force relating to registered Friendly Societies.

A. B.,
The Registrar of Friendly Societies in England
[Ireland or Scotland.]
day of

SCHEDULE (B.)

Form of Registrar's Certificate to Rules of Certified Friendly Societies.

I hereby certify, that these rules [or alterations of rules] are in conformity to law and to the provisions of the statute in force relating to certified Friendly Societies.

A. B.,
The Registrar of Friendly Societies in England
[Ireland or Scotland.]

day of

SCHEDULE (C.)

Form of Actuary's Certificate.

I, , hereby certify, that the preceding table or tables, to each of which my name is subscribed, may be fairly and safely adopted for the purposes of the Society, subject to the terms, conditions, and provisions of clauses Nos. of the rules, to each of which my initials are affixed: and I hereby declare, that I consider each of the said tables fairly to represent for each year or term of age (which said term does not exceed five years,) the rate of contribution necessary to provide the respective benefits intended to be provided thereby, and that they are in conformity with the provisions of the act passed in the years of Her present Majesty, chapter , and fairly represent the interest of members entering at those years or terms of age, without prejudice to any; and that the said tables are calculated on the supposition that the capital of the society will realize at least per cent. compound interest [if any addition has been made to the rates of contribution for expenses of management, here state the same], and are founded on the rate of sickness and mortality [here describe the same; and if the data on which the calculation has been based is published, state the work and date of publication], upon the following data:

Age.	Number out of which One will die in each Year.	Average Amount of Sickness annually experienced in each Year.
20		
25		
30		
35		
40		
45		
50		
55		
60		

And I declare, that I have read the rules of the said society, and find nothing in them inconsistent with the said tables, or which is calculated, in my opinion, to endanger the stability of the society.

A. B.
Actuary of
day of

SCHEDULE (D.)

Form of Medical Certificate.

I hereby certify, that late of street, died the day of and I have no reason to attribute his death to poison, violence, or criminal neglect.

(Signed) A. B.

*Profession.
Residence.*

day of

Form of Coroner's Certificate.

I hereby certify, that I have held an inquest on the body of late of , who was found dead; and the jury have returned the following verdict:

And it does not appear to me that he has been deprived of life by means of any person beneficially interested in obtaining burial money from any society.

day of

A. B., Coroner.

SCHEDULE (E.)

Form of Bond.

Know all men by these presents, that we A. B. of treasurer [or steward, &c.] of the Society, established at in the county of and C. D. of and G. H. of (as sureties on behalf of the said A. B.) are jointly and severally held and firmly bound to A. B. of C. D. of and E. F. of , the trustees of the said society, in the sum of to be paid to the said A. B., C. D., and E. F. as such trustees, or their successors trustees for the time being, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents sealed with our seals. Dated the day of in the year of our Lord

Whereas the above-bounden A. B. hath been duly appointed treasurer [or steward, &c.] of the Society, established as aforesaid, and he, together with the above-bounden C. D. and G. H. as his sureties, have entered into the above-written bond, subject to the con-

dition hereinafter contained: now, therefore, the condition of the above-written bond is such, that if the said A. B. shall and do justly and faithfully execute his office of treasurer [or steward, &c.] of the said society established as aforesaid, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of or belonging to the said society in his hands or custody, to such person or persons as the said society shall appoint, according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of treasurer [or steward, &c.] to the said society, according to the rules thereof, then the above-written bond shall be void and of no effect; otherwise shall be and remain in full force and virtue.

SCHEDULE (F.)

Heads of information to be furnished yearly to the registrars by every society.

Return of society, established at	for the year
ending	

DATE of balancing books in each year
---	----	----

MEMBERS:—

Number admitted since last balance ..	..	..
Number died since last balance ..	..	..
Number withdrawn or expelled ..	..	..
Number of members at this date	{	Male ..
		Female ..
		Honorary ..

SICKNESS:—

Number of members sick in the year ..	{	Male ..
Weeks and days of sickness ..		Female ..

INCOME:—

Donations and honorary subscriptions ..	..	..
Entrance money ..	..	..
Contributions for sickness ..	..	..
Contributions for annuities ..	..	..
Contributions for sums on death ..	..	..
Contributions for endowments ..	..	..
Interest received ..	..	..
Total income ..	..	..
Total capital of society [here state where the same is placed] ..	..	..

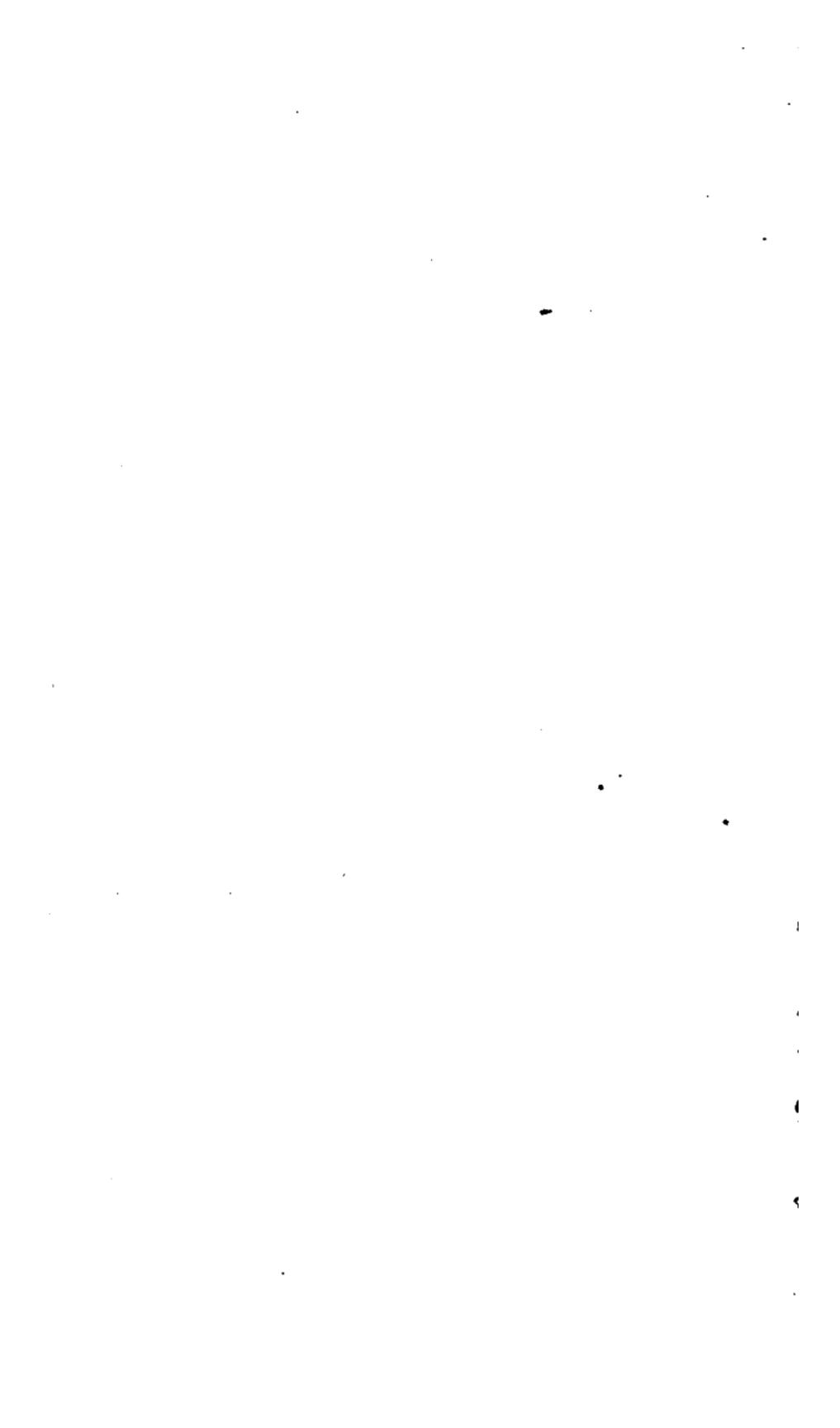
EXPENDITURE:

Sick pay or allowances ..	..	..	..	..
Annuities ..	..	..	..	..
Death of { members ..	..	..	..	..
{ wives ..	..	..	..	..
Endowments ..	..	..	..	..
Extra expenses ..	..	..	..	..
Total expenditure ..	..	..	..	..

OBSERVATIONS :—

day of in the year

To be signed by two trustees and secretary,
treasurer, or other officer.



I N D E X.

[*The figures between parentheses refer to the sections of the act.*]

ACCOUNTS:

for appointing officer to keep the (4), 7; separate accounts for each fund (5), 7; statement of, to be annually transmitted to registrar (15), 15; copy of same to be given to member on payment of 6d. (15), 15; consequence of default in transmitting same (16), 15; to be rendered by officers (28), 27; mode of enforcing delivery of (*id.*)

ACT:

construction of terms in (49), 40; to be deemed public (50), 41; extent of (*id.*); duration of (51), 41.

ACTION:

to be brought by and against the trustees (18), 13; not to abate by death or removal of trustees (*id.*)

ACTS:

may be amended (52), 41; repealed (1), 1.

ACTUARY:

rules to be certified by, to obtain certificate of a certified friendly society (7), 8; tables of annuities to be certified by (8), 9; form of certificate of, 42.

ALTERING RULES (see RULES.)

AMENDING RULES (see RULES.)

APOTHECARY:

certificate of, required before money paid on death of member (3), 5.

ARBITRATION:

number and mode of election of arbitrators to be stated in rules (23), 20; in case arbitrator refuses to act, members may appoint another (*id.*); mode of proceeding in (*id.*); award to be final (*id.*); justices to enforce award (23), 21; if no arbitrator be appointed, or no award, justices may decide (24), 22; mode of proceeding by justices (*id.*); arbitrators may award compensation to member if unjustly expelled (25), 23; remedy for recovery of same (*id.*)

ATTORNEY GENERAL:

society may be formed for any purpose certified by (2), 4.

AUDITOR:

to attest annual statement of accounts (15), 15.

AWARD (see ARBITRATION.)**BANK OF ENGLAND:**

power to transfer stock in the books of, in case of trustees being bankrupts, &c. (19), 17; indemnity to (20), 18.

BANKRUPT:

assignees of, who is an officer, to pay moneys due to society before other debts (36), 31.

BENEVOLENT SOCIETIES:

certain provisions of this act, may be applied to, on their rules being registered under this act (48), 40.

BOARD (see MANAGEMENT, BOARD OF.)**BOND:**

to be given by treasurer (1), 10; form of, 43; may be sued on in name of trustees for time being (11), 10; exempt from stamp duty (39), 35.

BOOKS:

power of registrar to inspect (29), 28.

BUILDING SOCIETIES:

not to be affected by repeal of Friendly Societies Acts (1), 2.

BURIAL:

assuring same to defray expense of (2), 3; of child, sum to be paid for (3), 5.

CERTIFICATE:

of surgeon or coroner, before money paid on death of member (3), 5; to be given of a certified friendly society (7), 8; form of same, 42; to be given of a registered friendly society (7), 8; form of same, 41.

CHARITABLE INSTITUTIONS:

provisions of this act applied to, on the rules of such being registered under this act (48), 40.

CHILD:

of member, insurance may be for (2), 2; what may be paid on death of (3), 5; certificate of surgeon or coroner necessary, before money paid on death of (3), 5.

COMMITTEE OF MANAGEMENT:

power to form (4), 6; rules to provide for manner of appointing (*id.*), 7; accounts to be rendered to (28), 27.

CONSTRUCTION:

of terms used in act (49), 40.

CORONER:

certificate of, required, before money paid on death of member (3), 5.

COUNTY COURT:

when disputes may be referred to judge of (22), 19.

DEAD STOCK:

society may be formed for insuring (2), 3.

DEATH:

of member, for insuring sum on (2), 2; sum to be paid on death of child (3), 5; certificate required before money paid on (3), 5.

DECLARATION:

by member belonging to more than one society, of joint amount of benefits he is entitled to (37), 33; penalty for making false (*id.*); by treasurer or trustee on paying in money to account of National Debt Commissioners (38), 33; penalty if not true (38), 34; to be made by trustees of existing society on investment (44), 38; penalty if not true (*id.*)

DISPUTES (see ARBITRATION):

rules to provide mode of settling disputes between society and its members (4), 7; to be settled according to such rules (22), 19; reference to judge of a County Court (*id.*)

DISSOLUTION:

not to be, without consent of five-sixths in value of members, and also of persons receiving relief (34), 30; intended appropriation to be previously stated (*id.*); stock not divisible (*id.*); penalty on officers aiding a division without such consent (*id.*)

DISTRESS:

by order of justices, where sum awarded not paid (23), 21.

DOCUMENT (see PRODUCTION.)**DURATION:**

of act (51), 41.

EDUCATION:

of children or kindred of members, society may be formed for (2), 3.

EMIGRATE:

society may be formed to enable members to (2), 3.

EVIDENCE:

of rules, &c., without proof of signature by registrar (35), 31.

EXECUTORS:

of deceased officers to pay money due to certified society before other debts (36), 31; on death of members payment to be made to (42), 37.

FEES (see REGISTRAR.)**FINES:**

may be imposed for offending against rules (4), 6.

FRAUD:

in cases of, justices may summon parties (26), 24; conviction by justices, on proof of (*id.*), 25; money awarded may be levied by distress (*id.*); in default of distress, power to commit (*id.*)

FRIENDLY SOCIETY (see SOCIETY.)**FUNDS (see INVESTMENT):**

rules to provide for purposes to which funds are applicable (4), 6; rules to provide for mode of investment of (4), 7; separate accounts to be kept in respect of separate (5) 7; trustees or treasurer, with consent of society, to invest (12), 11; to be invested in names of the trustees (*id.*); may be altered and transferred (*id.*), 12; power to transfer funds to new trustees in case of bankruptcy, &c. (19), 17.

GOODS:

society may be formed for insuring (2), 3.

HUSBAND:

of member, society may be formed for benefit of (2) 3.

IMPOSITION (see FRAUD.)**INDICTMENT:**

property of society may be stated to be property of trustees (13), 13.

INFANCY:

society may be formed for relief in (2), 3.

INSOLVENT:

assignees of, if an officer, to pay money due to society before other debts (36), 31.

INTESTATE:

payment of sums not exceeding 50*l.* on members dying (40), 35.

INVESTMENT (see FUNDS):

of money of society (12), 11; with National Debt Commissioners (38), 33; rate of interest receivable thereon (38), 34; not to be made with National Debt Commissioners by existing societies, except for assurances made before act (43), 37.

JUSTICES:

trustees, when required, to give information to, of proceedings of society (21), 18; power of, to enforce award of arbitrators (23), 21; may decide disputes, in certain events, or if rules so direct (24), 22; mode of enforcing order of (*id.*); may award compensation to member if unjustly expelled (25), 23; remedy for recovery of such compensation money (*id.*); power of, to convict members guilty of fraud or imposition on the funds (26), 24; to award double the amount so obtained (*id.*), 25; if not paid, the same may be levied by distress (*id.*); in default of distress may commit (*id.*); order of, final (27), 26.

KINDRED:

insurance may be made for benefit of (2), 3.

LIMITATION:

in amount, for which assurance may be made (2), 4; of responsibility of treasurer or other officer (14), 14; in amount, to be received by member of more than one society (37), 33.

LIVE STOCK:

society may be formed for insuring (2), 3.

MANAGEMENT (BOARD OF):

power to form (4), 6; accounts to be rendered to (28), 27; moneys paid over to such person as appointed by (*id.*)

MEMBER:

objects for which he may subscribe (2), 2; insuring money on death of (*id.*); relief of, in sickness, &c. (2), 3; insuring loss by fire, &c. (*id.*); for purchase of food and other necessaries for (*id.*); for emigration of (*id.*); limiting amount to be assured to (2), 4; fines may be imposed on (4), 6; rules to provide for disputes between society and (4), 7; to be entitled to copy of statement of accounts on payment of 6*d.* (15), 15; disputes between society and, to be settled as rules direct (22), 19; if unjustly expelled may be ordered to be reinstated or be paid compensation (25), 23; in default of payment how same may be recovered (*id.*); a competent witness (32), 29; limitation of amount of benefit to, belonging to more than one society (37), 33; dying intestate, sums not exceeding 50*l.* may be paid without letters of administration (40), 35; payment to persons who appear entitled to effects of deceased, valid (41), 36; next-of-kin may have remedy against person so receiving (*id.*)

MINORS:

may be members (33), 29; but not to hold office (*id.*)

MONEY: (see FUNDS.)**NAME:**

of society, to be set forth in the rules (4), 6.

NATIONAL DEBT (COMMISSIONERS FOR REDUCTION OF):

registrar to be appointed by (10), 9; power to certified societies to invest moneys with (38), 33; declaration to be made by treasurer (*id.*); penalty in case declaration not true (*id.*), 34; except in certain cases, existing societies not to invest with (43), 37; societies not to re-deposit with, without consent of Comptroller-General (47), 39.

NEXT-OF-KIN:

payment by trustees valid against (41), 36; may have remedy against person receiving such payment (*id.*)

NOMINEE:

for purpose of emigrating, provision may be made for benefit of (2), 3; on death of members payment not to be made to, (42), 36.

OATH:

may be administered by registrar, on proceedings before him (29), 28.

OBJECTS:

for which society may be established (2), 2.

OFFICERS:

penalty on, for paying money without coroner's or surgeon's certificate (3), 5; rules to provide for the manner of appointing (4), 7; limitation of responsibility of (14) 14; guilty of fraud or imposition on the funds may be convicted by justices (26), 24; to render accounts (28), 27; penalty on, for aiding division of funds without consent of society (34), 30; executors and assignees, &c. of, to pay over money due to society before other debts (36), 31.

OLD AGE:

society may be formed for relief in (2), 3.

ORDER (see JUSTICES.)

by registrar, final (30), 28; persons disobeying such, guilty of misdemeanor (*id.*)

PAYMENT:

priority of, to society in case officer is bankrupt, &c. (36), 31; to widow, &c., of intestate member without letters of administration (40), 35; indemnity to trustees for such (41), 36; on death of members, not to be made to nominees (42), 36; to whom may be legally made on death of members (*id.*), 37.

PENALTY:

on officer paying money on death of member without certificate of surgeon (3), 5; on trustees for not making annual statements of funds to registrar (16), 15; on officers aiding division of funds without consent of society (34), 30; for making false declaration by member (37), 33; the like by trustee on investment (44), 38.

PHYSICIAN:

certificate of, required before money paid on death of member (3), 5.

PLACE:

where business carried on, to be set forth in rules (4), 6.

PRIORITY:

of payment of debt to society, in case of officer being bankrupt, &c. (36), 31.

PRODUCTION:

of documents before registrar (29), 28.

PROPERTY (see FUNDS):

of society to be vested in the trustees (13), 12.

PURPOSES:

for which society may be formed (2), 2.

REFERENCE (see DISPUTES, ARBITRATION.)

REGISTRAR:

until rules certified by, society not established (6), 7; copies of rules to be transmitted to (7), 8; to register rules (*id.*); when may give certificate to rules of registered friendly society (*id.*); when may give certificate to rules of certified friendly society (*id.*); to return one copy to society and to keep the other (*id.*); fees to, for certificate (9), 9; appointment of (10), 9; salary of (10), 10; no person to be deemed a trustee until his appointment has been sent to the (13), 13; annual return of funds to be made to (15), 15; in default notice to trustees to be given by (16), 15; returns of rate of sickness and mortality to be transmitted to (17), 16; to prepare report of all returns to be laid before Parliament (18), 16; in case of trustees being absent, bankrupt, &c., may transfer funds to new trustee (19), 17; in case of neglect of treasurer to deliver accounts, &c., application by petition may be made to (28), 28; may thereupon proceed summarily (*id.*); may inspect books, &c., (29), 28; power to administer oath (*id.*); orders made by, final (30), 28; penalty on disobeying such orders (*id.*); fees payable on such proceeding before (31), 29; to award by whom and how to be borne (*id.*); rules certified by, receivable without proof of signature (35), 31.

RETURNS:

of funds and effects to be annually made (15), 15; penalty in case of default (16), 15; of rate of sickness and mortality to be made to registrar (17), 16; report of, to be laid before Secretary of State and Parliament (18), 16.

RULES:

power to make (4), 6; with provision for altering or amending (*id.*); fines for offending against (*id.*); what the rules must set forth (*id.*); until certified society not established (6), 7; two copies of, signed by three members and clerk, to be transmitted to registrar (7), 8; to be registered by registrar (*id.*); one copy of, to be returned to the society and the other copy kept by registrar (*id.*); when certified to be binding (*id.*); disputes between society and trustees to be settled according to (22), 19; if it be settled by arbitration, the mode of election of arbitrators and manner of proceeding to be stated in (23), 20; cannot be made for division of funds other than for general purposes of society (34), 30; received in evidence without proof of signature of registrar (35), 31; copy of, exempt from stamp duty (39), 35.

SCHEDULES:

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SEDITIOUS MEETINGS:

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SICKNESS:

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SOCIETY:

for what objects may be formed (2), 2, 3, 4; rules for government of (4), 6; provisions to be made in rules (*id.*); not legally established till rules certified (6), 7; certificate of certified friendly society, how obtained (7), 8; certificate of registered friendly society, how obtained (*id.*); assuring an annuity, must have tables of annuities certified by actuary (8), 9; property of, to be vested in the trustees (13), 12; exemption of, to provisions of acts for suppression of seditious meetings (21), 18; disputes between, and trustees, how to be settled (22), 19; accounts to be rendered at meeting of (28), 27; dissolution of, not to be without consent of (34), 30; what consent necessary (*id.*); two or more societies may unite (*id.*); certified, may invest with National Debt Commissioners (38), 33; existing societies not so to invest (43), 37; established under repealed acts, when entitled to privileges of this act (46), 39; not to redeposit with National Debt Commissioners, without consent of Comptroller General (47), 39; provisions of act applied to any benevolent, on the rules of such, being registered under this act (48), 40.

STAMP DUTY:

copy of rules, power of attorney, receipt, &c., &c., exempt from (39), 35; exemption not applicable to societies granting assurances above limit of act (45), 38.

STATEMENT:

of funds and effects to be annually transmitted to registrar (15), 15; consequence of default in transmitting such (16), 15.

STOCK (see FUNDS.)

not divisible without consent of society (34), 30.

SURGEON:

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TOOLS:

society may be formed for insuring (2), 3.

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rules to provide for the manner of appointing (4), 7; to give bond to trustees (11), 10; form of bond, 43; limitation of responsibility of (14), 14; to render accounts (28), 27; on demand to pay over moneys (*id.*); mode of enforcing delivery of accounts (*id.*); investment of money with National Debt Commissioners on declaration by (38), 34.

TRUSTEES:

rules to provide for the manner of appointing (4), 7; for time being may sue on bond given by treasurer (11), 10; with consent of society, to invest money (12), 11; on what securities (*id.*); may alter and transfer such securities (*id.*), 12; may purchase or hire

TRUSTEES—*continued.*

rooms for the use of society (*id.*), 12; property of society to be vested in (13), 12; may bring or defend actions (*id.*), 13; action not to abate by death or removal of (*id.*); until appointment of, has been transmitted to registrar, not to be deemed (*id.*); limitation of responsibility of (14), 14; to transmit annually to registrar statement of funds (15), 15; to be incapable of bringing action in case of default in transmitting such statement (16), 15; to make returns to registrar of rate of sickness and mortality (17), 16; in case of trustees being absent, bankrupt, &c., power to transfer funds to new (19), 17; when required by two justices to give information of the proceedings of society (21), 18; disputes between society and the, how to be settled (22), 19; on order of, accounts to be rendered by treasurer, &c. (28), 27; to pay fees on reference to registrar (31), 29; power to recover same from party against whom award made (*id.*); in case of intestacy may pay sums not exceeding 50*l.* without letters of administration (40), 35; indemnity to, in paying persons who appear entitled to effects of deceased members (41), 36; declaration to be made by, on investment by existing societies (44), 38.

WARRANT OF ATTORNEY:

exempt from stamp duty (39), 35.

WIDOWHOOD:

society may be formed for relief in (2), 3.

WIFE:

of member, for the benefit of (2), 3.

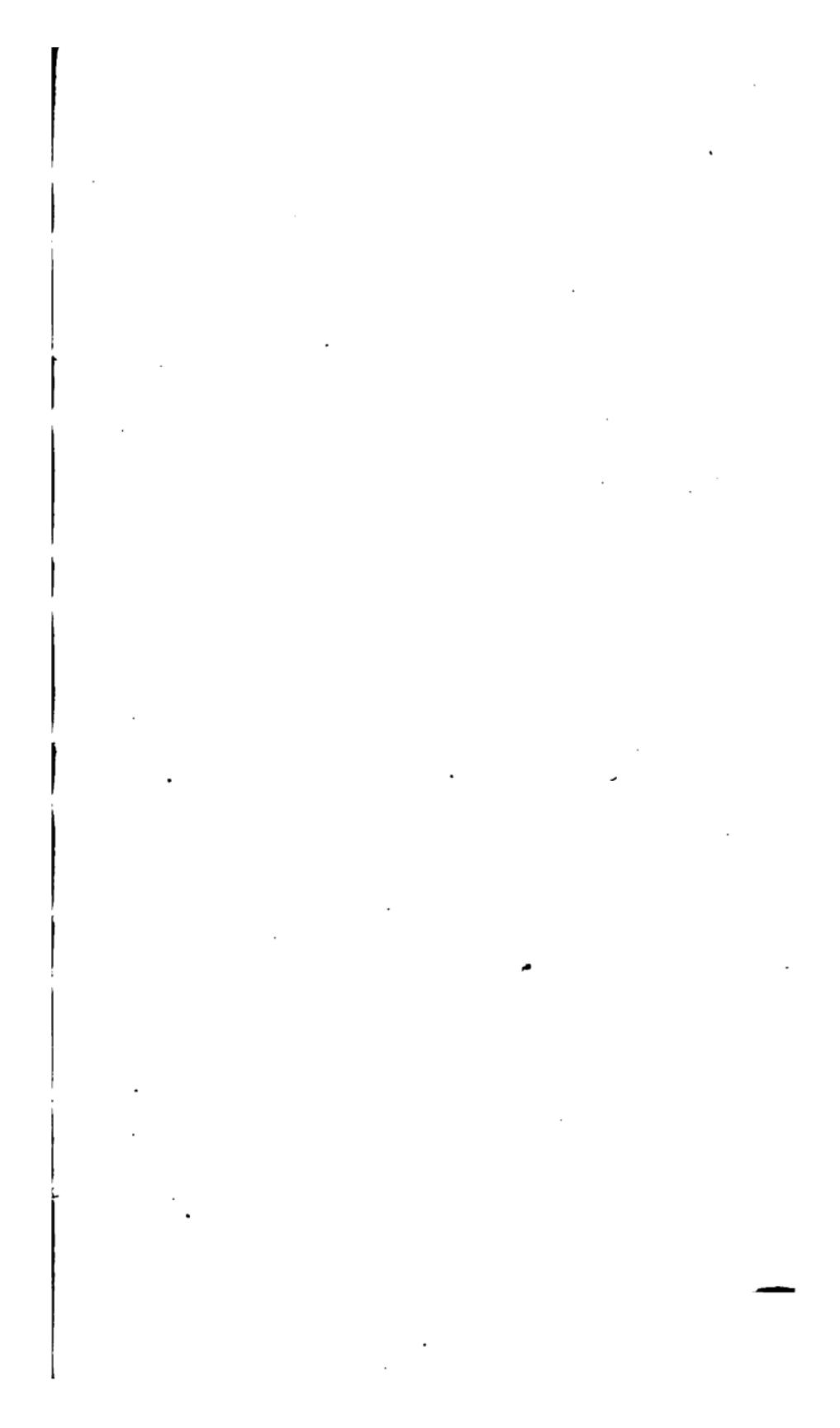
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member of society, a competent (32), 29.

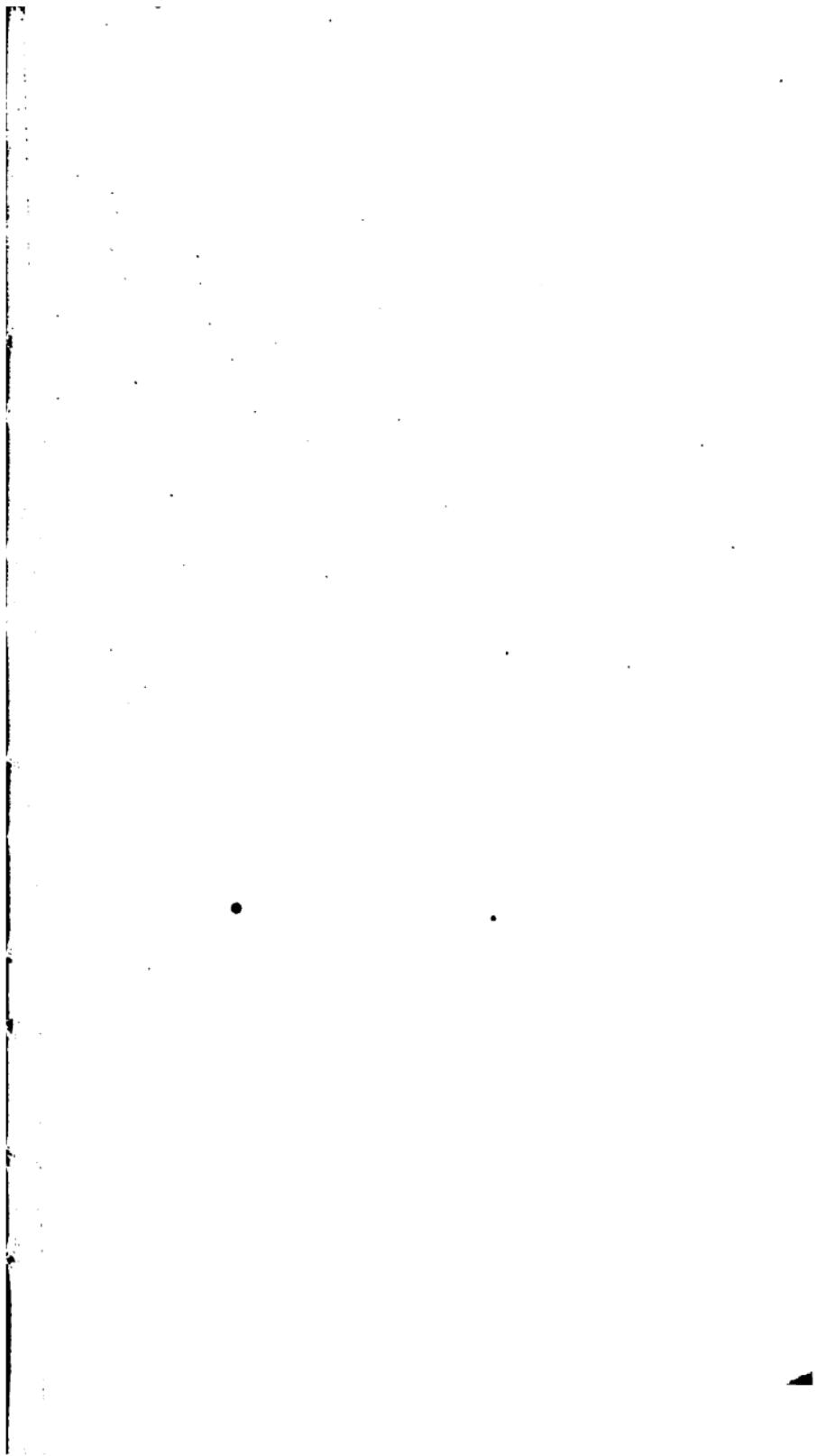
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